

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 2318 of 2008**

- Hansram Korram, S/o Late Tulsiram Korram Aged about 34 years Ex Assistant Grade III R/o Mamta Nagar Poonam Coloney Ward No.17 Rajnandgaon (C.G.)

---- **Petitioner****Versus**

1. State of Chhattisgarh General Administration Department Through its Principal Secretary DKS Bhawan Raipur (C.G.)
2. Director State Council of Education Research & Training Madhya Pradesh, Bhopal (M.P.)

---- **Respondent**

For Petitioner	:	None
For Respondents-State	:	Shri Shashank Thakur, GA for the State

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****25/04/2017**

1. None for the petitioner. Record perused and learned State counsel is heard.
2. Petitioner would challenge the order Annexure P-1 whereby his appointment on the post of AG-III has been canceled for the reason that during verification, the petitioner was found not possessing requisite qualification of diploma in computer or any equivalent qualification which was essential for the post.
3. It is not in dispute that the petitioner was duly selected on the post of AG-III and was offered appointment on 08.05.2007 with clear stipulation in clause 8 of the endorsement of the appointment order that his computer

qualification certificate is under verification, therefore, if he is found not possessing the requisite qualification/certificate in computer, his services shall be terminated with immediate effect.

4. The petitioner had produced a computer certificate issued by the State Council of Educational Research and Training Madhya Pradesh Bhopal (for short 'the Council'), however, during verification the said educational institution informed the appointing authority that the Council imparts computer education up to project level on practical basis for popularizing and awareness of computer education but the Council does not conduct any diploma or other course, meaning thereby that the certificate issued in favour of the petitioner was not for any diploma or similar qualification. In the teeth of the report obtained from the institution, the petitioner was rendered without any qualification as was required in the advertisement for the post of AG-III. The petitioner having not qualified for the post, the appointment has been canceled with immediate effect, as stipulated or endorsed in the appointment order. In such a case, since the petitioner has not been removed on account of any misconduct neither any enquiry was needed nor any opportunity of show-cause notice was required as the action has been taken in terms of the stipulation or endorsement in the appointment order, with which the petitioner was aware from the very beginning, there is no violation of principles of natural justice.
5. There is no substance in the writ petition, therefore, it fails and is hereby dismissed.

Sd/-

Judge
Prashant Kumar Mishra

Ashu