

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.5373 of 2014 (O&M)

Date of Decision: 11.05.2017

Heera Singh

... Petitioner

Versus

Bank of Baroda and others

... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. R.K. Chauhan, Advocate,
for the petitioner.

Mr. Hitesh Kaplish, Advocate,
for the respondents.

RAJIV NARAIN RAINA, J.

1. The reason why this petition has to be dismissed is that in the requisition form sent by the respondent-Bank to the Employment Exchange under the Employment Exchange (Compulsory Notification of Vacancies) Act, 1959 the prescribed qualification which was essential for direct recruitment to the post of Sweeper-cum-Peon was that candidate must be 10th Standard Pass but should not have passed 10+2 examination or its equivalent. It appears that by oversight the name of the petitioner was sent by the Employment Exchange to the Bank of Baroda, Jalandhar. By another oversight committed by the Bank, the petitioner was selected and appointed on November 14, 2013. In the original advertisement issued in the Punjabi Jagran the essential qualification is identical to the entry in the requisition form. It may be noted that in the selection criteria it was desirable that candidate should have knowledge of English which would be given

additional weightage. There was a condition in the interview letter dated October 09, 2013 that if the documents brought for verification at the time of interview are incomplete then candidate will be considered ineligible. Recital 3 required of candidates to produce their school relieving certificates issued by the Director, District School or Basic Education Officer. When the petitioner came to join at the Dasuya Branch on November 25, 2013 he gave in writing at the time of joining that he had passed the 12th class in May 2010 from the Punjab School Education Board whereas in the Bio Data which he filled before interview on October 19, 2013 he had declared his qualification as 10th class pass, which was false and misleading. The respondent-Bank in its letter dated November 21, 2013 regarding cancellation of appointment in the reserved category informed the petitioner that he had hidden the truth and, therefore, legal action is proposed to be taken against him. This led to the cancellation of the appointment on November 21, 2013. The cancellation letter is guarded when the Bank records that the letter of appointment dated November 14, 2013 is being cancelled for the time being. This was an opportunity to the petitioner to dispute that he was not overqualified. That opportunity the petitioner has no right to avail since he has given in writing admitting at the time of joining that he was 12th class pass and, therefore, was not eligible by the criteria adopted. He made an honest confession disentitling himself from appointment. Removal from service has led the petitioner to approach this Court praying for setting aside the cancellation order and directing the respondent Bank to reinstate to service.

2. Learned counsel for the petitioner has drawn attention of this

Court to Annex R-7 being the cancellation order which records the date November 21, 2013. Since the letter records the date November 21, 2013 I asked for the original file which has been brought to Court and from there I am satisfied that the figure 21 is underscored and below that in hand it is written "26". I am satisfied that the letter is dated November 26, 2013 and not November 21, 2013. This removes the doubt and the inconsistency of dates in the letter. In any case, nothing depends on the date in the face of the petitioner being a 12th class pass. Relief even if contemplated to the petitioner would be in violation of the rule of recruitment which if granted would infringe third party rights under Articles 14 & 16 of the Constitution of India as their cases would also have to be considered. Nothing can be more inconsistent with service and the cadre of Sweepers-cum-Peons that one candidate who is 10+2 is reinstated. The Bank obviously was looking for lesser qualified candidates to suit the role of the duties the job demands. The petitioner is rendered ineligible as per terms and conditions of the advertisement.

3. For these reasons, I find no substance in the writ petition and would dismiss it.

(RAJIV NARAIN RAINA)
JUDGE

11.05.2017
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Whether speaking/reasoned Yes

Whether reportable No