

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11327 of 2011

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Prem Chand Kumar S/o Sri Ayodhya Singh, Resident of Village – Lalganj,
Post Office-Sasaram, Police Station- Sasaram, District – Rohtas(Bihar).

... .. Petitioner/s

Versus

1. The Chairman Cum M.D., Punjab National Bank Head Office, 7, Bhikaji Gama Place, Africa Avenue, New Delhi
2. The General Manager, Punjab National Bank, Pad/Hrdd Head Office, 7, Bhikaji Gama Place, Africa Avenue, New Delhi
3. The Circle Head, Punjab National Bank Human Resource Department, Circle Office, Arrah, Bihar
4. The Chief Manager, Punjab National Bank Human Resource Department, Circle Office, Arrah, Bihar
5. The Senior Manager, Punjab National Bank Human Resource Department, Circle Office, Arrah, Bihar
6. The Branch Manager, Punjab National Bank Chutia Rohtas, Distt.- Rohtas

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ajit Kumar, Advocate
For the Respondent/s : Mr. Kumar Priya Ranjan, Advocate

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL JUDGMENT

Date : 12-07-2022

Heard learned counsels for the respective parties.

In the instant petition, the petitioners have prayed for the following reliefs:-

“a. For issuance of an appropriate Writ/Writs, direction/directions in the nature of certiorari or Writs, order or Orders for quashing the Letter bearing No.- COA/HRD/SS/P-7/765 dated 11.06.2011, by which the petitioner has been terminated from the Post of Peon without assigning any reason and further more in violation of the Principle of Natural Justice.

b. For further kind indulgence of this Hon’ble court to look into the matter and



the concerned respondent may be directed to produce all connected records for perusal of the same for passing an appropriate order.

c. For any other relief/reliefs which the Hon'ble court may find deem fit, appropriate and necessary during pendency of the instant application in the interest of justice and further may order staying the filling up of vacancies till the final disposal of the matter by the Hon'ble Court.

The petitioner was appointed as Peon on 09.06.2007. His services were terminated on 11.06.2011. The petitioner had the benefit of interim order and continued to hold the post of Peon for these many years. The reasons for termination is that the petitioner is more qualified than the prescribed qualification for the post of Peon. The prescribed qualification is pass in 12th standard or its equivalent with basic reading/writing knowledge of English whereas petitioner was a graduate as on the date of his initial appointment to the post of Peon on 09.06.2009.

Perusal of the HRD Divisional Circular No. 25/2008 dated 06.11.2008, it is evident that prescribed qualification is pass in 12th standard or its equivalent with the basic reading/writing knowledge of English. However, it is to be noted that there is no bar in submission of application or participating in the process of recruitment to the post of Peon if a candidate is a graduate.

In the light of these facts and circumstances, the petitioner has made out a *Prime facie* case. Accordingly, the order of



termination dated 11.06.2011 (Annexure-5) stands set aside. If the petitioner is otherwise eligible for any service benefits including monetary benefits during the intervening period from the date of termination till date, the same shall be examined by the competent officer/respondent. Such benefit shall be extended in accordance with law within a period of three months from the date of receipt of this order.

Accordingly, writ petition stands allowed.

(P. B. Bajanthri, J)

shanu/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	
Transmission Date	N/A

