

CWP-1540-2019

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2023:PHHC:154214

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-2450-2019

Date of Decision:04.12.2023

1)

JAGDEEP SINGH

.....Petitioner

Versus

PUNJAB NATIONAL BANK AND ORS

.....Respondents

2)

CWP-1540-2019

SUNNY KUMAR

..... Petitioner

Versus

PUNJAB NAITONAL BANK AND OTHERS

..... Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr. H.C. Arora, Advocate
for the petitioner in
CWP-2450-2019 and CWP-1540-2019.

Mr. Saurav Verma, Advocate with
Ms. Preeti Grover, Advocate and
Mr. Akash Soni, Advocate
for the respondents.

JAGMOHAN BANSAL, J. (Oral)

1. By this common order CWP-2450-2019 and CWP-1540-2019 are disposed of since issue involved in both the petitions and prayer sought are common. With the consent of parties and for the sake of brevity, facts are borrowed from CWP-2450-2019.

2. The petitioner through instant petition under Article 226 of the Constitution of India is seeking setting aside of advertisement dated 28.11.2016 (Annexure P-1) whereby respondent has prescribed 12th pass minimum as well as maximum qualification for the post of Peon.

3. The petitioner pursuant to advertisement dated 28.11.2016

(Annexure P-1) applied for the post of Peon. The petitioner was appointed vide appointment letter dated 04.01.2017. The petitioner was possessing qualification of Bachelor in arts whereas he disclosed in application his qualification as 10+2. The respondent issued letter dated 20.03.2018 seeking explanation from the petitioner with respect to his qualification. The said letter was followed by chargesheet dated 20.04.2018. An inquiry was conducted and thereafter petitioner was dismissed from service vide order dated 16.08.2018 (Annexure P-15). The petitioner preferred appeal before Appellate Authority which came to be dismissed.

4. Learned counsel for the petitioner relying upon judgment of Supreme Court in ***Mohd. Raizul Usman Gani & others Vs. District & Sessions Judge, Nagpur & others (2000) 2 SCC 606*** and ***Life Insurance Corporation of India & others Vs. Triveni Sharan Mishra (2014) 10 SCC 346*** submits that higher qualification cannot be disqualification. The petitioner was possessing qualification of graduation in arts and maximum prescribed qualification was 10+2. In view of judgments of Supreme Court, the petitioner has been wrongly dismissed from service.

5. Per contra, learned counsel for the respondents submits that Supreme Court in ***Chief Manager, PNB Versus Anit Kumar Dass (2021) 12 SCC 80*** and a Division Bench of this Court in ***Oriental Bank of Commerce and others Vs. Ram Kumar 2015 SCC Online P&H 6539***, after noticing judgments cited by petitioner have held that where maximum qualification is prescribed and there is concealment of facts on the part of an applicant, the appointing authority has right to dismiss the candidate.

6. On being confronted with afore-cited judgments, learned counsel for the petitioner submits that in terms of order dated 16.11.2019 passed by this Court in *Rajpal Vs. Punjab National Bank and others* in *CWP No.25412 of 2019*, it may be made clear that removal of the petitioner shall not be taken as stigmatic and will not come in his way of applying and getting job anywhere else.

7. In the wake of statement made by learned counsel for the petitioner, the present petitions stand disposed of with an observation on the ground of equity that removal of the petitioner shall not be taken as stigmatic and will not come in his way of applying and getting job anywhere else.

(JAGMOHAN BANSAL)

JUDGE

04.12.2023

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Whether speaking/reasoned	Yes/No
<i>Whether Reportable</i>	<i>Yes/No</i>