

112

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-6167-2018

Date of Decision:04.12.2023

SUKHWINDER SINGH

..... Petitioner

Versus

BANK OF BARODA AND OTHERS

..... Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr. H.C. Arora, Advocate
for the petitioner.

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

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Article 226 of the Constitution of India is seeking setting aside of order dated 16.03.2015 whereby appointment letter issued to the petitioner has been cancelled.

2. The petitioner pursuant to advertisement dated 05.01.2015 applied for the post of Peon. The said advertisement was published in the newspaper dated 06.01.2015. The petitioner applied on compassionate ground. The maximum qualification prescribed was 10th whereas petitioner was 10+2 pass. The petitioner was issued appointment letter dated 09.03.2015 which on verification of documents was cancelled vide communication dated 16.03.2015 on the ground that he is 10+2 pass whereas maximum qualification for the post of Peon is 10th pass.

3. 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 appointment letter of the petitioner has been wrongly cancelled.

4. 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.

5. 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.

6. In the wake of statement made by learned counsel for the petitioner, the present petition stands 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
Ali

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