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W.A No. 2693 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-09-2025

CORAM

THE HON'BLE MR JUSTICE R.SURESH KUMAR

AND

THE HON'BLE MR JUSTICE HEMANT CHANDANGOUDAR

W.A No. 2693 of 2025

AND

CMP.No. 21687 of 2025

1. General Manager (HR)

Appellate Authority,

Syndicate Bank, Corporate Office,

Bengaluru.

2. Deputy Regional Manager & Disciplinary
Authority,

Chennai Regional Office,

Leelavathi Building, I Floor,

No. 69, Armenian Street,

Chennai-600001.

..Appellants

Vs

K. Poovarasan

..Respondent



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Writ Appeal is filed under Clause 15 of Letter Patent to set aside the order dated 16.04.2025 passed in W.P.No. 25553 of 2019.

For Appellants: Mr.P.Ragunathan
For T.S.Gopalan and Co.

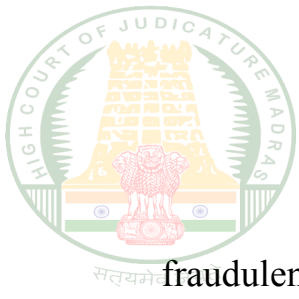
For Respondents : Mr. M.Vijayan
For M/s. K. Justin Selvakumar

JUDGMENT

(HEMANT CHANDANGOUDAR, J.)

This intra-court appeal assails the order dated 16.04.2025 passed by the learned Single Judge in W.P. No. 25553 of 2019. By the said order, the order passed by the appellant dismissing the respondent/writ petitioner from service, which had been modified by the appellate authority as discharge from service with superannuation benefits, was set aside.

2. Disciplinary enquiry was initiated against the respondent/writ petitioner on the ground that, at the time of securing employment, he had deliberately suppressed the fact that he had passed 10+2 and a B.Com degree before 2006, and disclosed only that he had passed 10th standard, thereby

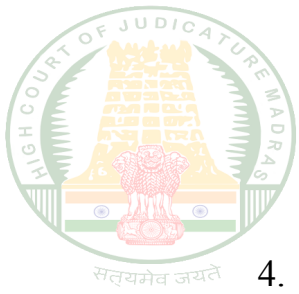


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fraudulently securing employment. The charge framed against the respondent/writ petitioner was held proved by the enquiry officer. After issuing a second show cause notice and receiving further reply from the respondent, the disciplinary authority passed an order dismissing him from service. The said order of dismissal was challenged before the appellate authority, which modified the penalty to discharge from service with superannuation benefits. The impugned order passed by the appellate authority was challenged before this Court in W.P. No. 25553 of 2019. The learned Single Judge, by order dated 16.04.2025, set aside the order passed by the appellate authority, which is under challenge in this intra-court appeal.

3. Mr. R. Ranganathan, learned counsel for the appellant, submitted that the respondent/writ petitioner, by suppressing the fact that he was overqualified for the post of Attender and misrepresenting at the time of appointment that he had only passed 10th standard, deprived other eligible candidates of the opportunity for appointment to the said post. Therefore, the omission to disclose or the suppression of higher qualifications resulted in fraudulently obtaining appointment, and hence, the order of the learned Single Judge is not legally sustainable.



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4. In support of his submission, learned counsel placed reliance on the decision of the Hon'ble Supreme Court in ***Chief Manager, Punjab National Bank and Another v. Anit Kumar Das [(2021) 12 SCC 80]***.

5. In response, Mr. M. Vijayan, learned counsel for the respondent, argued that the alleged misrepresentation/suppression had not resulted in fraudulently securing employment, as the offer of employment did not prescribe any condition that the candidate must not possess a higher qualification than 10th standard. Since the alleged suppression of higher qualification did not cause any prejudice to the management or to any other eligible candidates, the learned Single Judge, having rightly considered the same, set aside the order, and the impugned order does not warrant interference.

6. The arguments of the learned counsel for both parties and the materials placed on record have been duly considered.

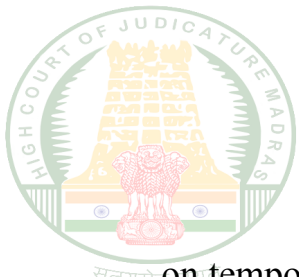
7. In the declaration dated 21.07.2012 submitted by the respondent/writ petitioner, he declared that he belonged to Adi Dravida Caste, had passed 10th standard, and was working as a temporary Attender in Syndicate Bank from



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December 2010 till date. The same is also reflected in the attestation form dated 17.08.2012. Clause 9 of the appointment letter dated 10.08.2012 issued by Syndicate Bank states that if it is later found that any information furnished by the respondent is incorrect, his services will be terminated without notice as per the rules of the Bank. It cannot be said that the statement in the declaration that he had passed 10th standard was incorrect. However, in his reply dated 20.10.2015 addressed to the Deputy General Manager of the appellant Bank, the respondent stated that, at the time of interview held on 12.04.2010, he was under the impression that submitting the SSLC mark sheet would suffice and that the +2 and Degree certificates were not relevant to the officials. In these circumstances, in the subsequent declaration filed at the time of securing permanent employment, he disclosed that he possessed +2 and B.Com degree qualifications. In his communication dated 04.02.2018 to the Deputy General Manager, Syndicate Bank, he further stated that when his name was registered at the employment exchange in 1998, he had passed 8th standard and was qualified for recruitment as Sub-Staff but was not listed in Syndicate Bank. Between 1998 and 2012, over a span of 14 years, he pursued his education, passed SSLC, and also acquired a B.Com degree. Moreover, the writ petitioner was sponsored by the Employment Exchange , and was appointed as attender



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on temporary basis till he was permanently absorbed.

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8. Though the writ petitioner admits to having acquired higher qualifications, namely +2 and B.Com, non-disclosure of the same did not result in fraudulently securing employment, since the Bank has not produced any material to show that candidates possessing +2 or B.Com degree were ineligible for employment and that only candidates with SSLC qualification, without higher qualifications, were eligible for appointment.

9. In the decision relied upon by the appellant, Chief Manager, Punjab National Bank (supra), the facts were entirely different. In that case, the prescribed qualification was +2 or its equivalent and the candidate should not have been a graduate as on 01.01.2016. The respondent therein, being a graduate, suppressed the same, applied for the post, and secured employment. Therefore, the candidate therein had deliberately and wilfully suppressed the fact of his graduation, and had it been disclosed, he would not have been considered for appointment as Peon in the Bank. Thus, the facts of the present case are entirely different, and the principles enunciated therein are distinguishable and inapplicable here. The other decisions relied upon by the appellant, namely Kerala Solvent Extractions Ltd. v. A. Unnikrishnan and



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Another [(2016) 13 SCC 619] and P. Sudalaimuthu v. Union Bank of India, rep. by its Senior Manager, Field General Manager's Office, Chennai and Another [(2017) 1 LLJ 387], are also not relevant as the facts involved there are entirely different. Those decisions cannot be pressed into service in the present case.

10. In light of the foregoing discussion, we find no infirmity in the order passed by the learned Single Judge. The learned Single Judge, after considering the facts of the case in proper perspective, has rightly set aside the order, and the same does not warrant interference.

11. Accordingly, the intra-court appeal is dismissed as devoid of merits. Consequently, the connected Miscellaneous Petition is closed. There shall be no order as to costs.

(R.S.K. J.,) (H.C. J.,)

09.09.2025

Index : Yes / No
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