



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

109

LPA-139-2020(O&M)

Date of Decision : **September 01, 2025**

RAJ PAL

.....Appellant

VERSUS

PUNJAB NATIONAL BANK AND OTHERS

.....Respondents

**CORAM: HON'BLE MR. JUSTICE ASHWANI KUMAR MISHRA
HON'BLE MR. JUSTICE ROHIT KAPOOR**

Present : Mr. Kanwar Abhay Singh, Advocate for the appellant
(through VC).

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

ASHWANI KUMAR MISHRA, J. (Oral)

1. This Letters Patent Appeal arose out of the order of the learned Single Judge dated 16.10.2019, whereby the writ petition filed by the appellant came to be rejected.
2. Undisputed facts of the case are that the appellant applied for appointment to the post of Part Time Sweeper in the respondent-Bank on 10.03.2014. This was pursuant to an advertisement in which the qualification was prescribed. The bank had clarified that anyone, who is 10th pass or above is not eligible to apply. The appellant misrepresented facts and discloses his status to be 8th pass and consequently obtained employment. When the facts were brought to the notice of the bank, it proceeded to issue a show cause notice. Thereafter disciplinary enquiry was conducted in which the respondent has been dismissed from service. The learned Single Judge has

taken note of such facts and has observed that the appellant had misrepresented facts and had concealed his correct qualification. The learned Single Judge, however, has observed that the dismissal will not be treated as stigmatic and will not come in the way of applying and getting job for the appellant elsewhere.

3. Learned counsel for the appellant argues that the higher qualification of the appellant cannot be construed against him particularly as it would not adversely affect the bank. It is further stated that the engagement itself was not pursuant to any specific advertisement.

4. Learned counsel for the respondent-bank, on the other hand, opposes the submissions on the ground that the recruitment was pursuant to advertisement and that the appellant has misrepresented facts and suppressed his correct qualification.

5. Having heard the learned counsel for the parties, we find that the advertisement pursuant to which employment has been obtained by the appellant clearly specified that the post of Part Time Sweeper required the maximum qualification of below 10th pass. The appellant disclosed his qualification to be 8th pass, which is admittedly at variance to his education qualification of Graduation.

6. So far as the description of higher qualification and enforcing such qualification by the bank is concerned, the law has been settled by the Hon'ble Supreme Court in **Chief Manager, Punjab National Bank & Anr. Vs. Anit Kumar Das, 2021(12) SCC 80**, wherein it was observed that prescribing educational qualification that the candidate shall not be eligible for the post of peon if he has

obtained above 12th pass qualification is a valid action on the part of the bank. In the present case, the post is of Part Time Sweeper and the only distinction is that the bank has specified the qualification to be below 10th pass. Once the right in the Management is recognized to prescribe such qualification and in response the appellant not only misrepresented facts by suppressing his higher qualification but also made a false disclosure in his undertaking that he is only 8th pass, we cannot take any exception to the decision taken by the bank to remove the appellant from service. The learned Single Judge has otherwise observed that this would not be treated as stigmatic for the purposes of applying and getting job elsewhere. In such circumstances, no further relief can be granted.

7. In that view of the matter, the present Letters Patent Appeal is dismissed.

8. All pending application(s), if any, also stand disposed of accordingly.

(ASHWANI KUMAR MISHRA)
JUDGE

(ROHIT KAPOOR)
JUDGE

September 01, 2025
ajaysharma

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No