
(1998) 09 AHC CK 0036
In the Allahabad High Court
Case No : C.M.W.P. No. 24419 of 1998

Dropal Singh

APPELLANT

Vs

Nuclear Power Corporation of India Limited and another

RESPONDENT

Date of Decision : 01-09-1998

Acts Referred:

Citation : (1998) 4 AWC 454 : (1998) 80 FLR 887

Hon'ble Judges : M. Katju, J

Bench : Single Bench

Advocate : Mahesh Gautam, for the Appellant; S.C., S.N. Srivastava and V.R. Agrawal, for the Respondent

Judgement

M. Katju, J.—Heard Sri Mahesh Gautam for the petitioner and Sri Piyush Agarwal holding the brief of Sri V. R. Agarwal for the respondent.

2. The petitioner had been appointed as stipendiary trainee by the respondent but that appointment has been cancelled by the impugned order dated 28.4.98 Annexure-1 to the writ petition on the ground that the petitioner did not disclose his higher qualification of B.Sc. Thus, the ground for cancelling the appointment is that he is over-qualified.

3. In similar Writ Petition No. 15696 of 1998, Jitendra Sharma v. Nuclear Power Corporation of India Limited and another, this Court quashed the impugned order by its judgment dated 13.8.98. In that case also the appointment had been cancelled on the ground that the petitioner was over-qualified, and this Court had held that a person's appointment can be cancelled if he is under-qualified but not on the ground that he is over qualified, rather the respondent should have given weightage to the fact that the petitioner had got a higher qualification.

4. Following the said decision, this petition is allowed. The impugned order dated 28.4.98 is quashed.