
(1998) 08 AHC CK 0006
In the Allahabad High Court
Case No : C.M.W.P. No. 15696 of 1998

Jitendra Sharma

APPELLANT

Vs

Nuclear Power Corporation of India Ltd. and Another

RESPONDENT

Date of Decision : 13-08-1998

Acts Referred:

Constitution of India, 1950 — Article 14

Citation : (1998) 08 AHC CK 0006

Hon'ble Judges : M. Katju, J

Bench : Single Bench

Advocate : Sanjay Misra and Akhilesh Misra, for the Appellant; S.C., R.P. Agarwal, R.K. Thawait and Mehadi Imam, for the Respondent

Final Decision : Allowed

Judgement

M. Katju, J.—Heard Sri Sanjay Misra for the Petitioner and Sri R.P. Agrawal for the respondent.

2. The petitioner is challenging the impugned order dated 25th April, 1998 (Annexure-I to the writ petition).

3. The petitioner had applied for being appointed as Trainee with respondent No. 1 and he was given appointment on 6th April, 1998. However, by the impugned order (Annexure-1 to the writ petition), his appointment as Trainee has been cancelled on the ground that the petitioner is over-qualified.

4. Learned Counsel for the respondent stated that the qualification for Trainee was Intermediate, but the petitioner had suppressed the fact that after doing Intermediate, the petitioner has done Diploma in Electrical Engineering.

5. In my opinion, the stand of the respondent is wholly arbitrary and illegal. I can understand that if a person has less than the minimum qualification, he is not eligible for appointment, but I cannot understand this argument that the petitioner is over-qualified. When the minimum qualification for the post of

Trainee is Intermediate and there is no dispute that the petitioner has done Intermediate, then in my opinion he cannot be disqualified merely because he is over-qualified, rather the respondent should have given weight age to the fact that the petitioner has got higher qualification. The stand of the respondent is arbitrary and illegal and hence it is violative of Article 14 of the Constitution. Hence the writ petition is allowed and impugned order is quashed. No order as to cost.