
(1995) 04 RAJ CK 0004

In the Rajasthan High Court

Case No : Civil Special Appeal No, 127 of 1992

State Bank of India and Others

APPELLANT

Vs

Nand Ram

RESPONDENT

Date of Decision : 28-04-1995

Acts Referred:

Universities Grant Commission Act, 1986 — Section 3

Citation : (1995) 1 RLW 488 : (1995) 3 WLC 61 : (1995) 2 WLN 547

Hon'ble Judges : V.G. Palshikar, J;B.R. Arora, J

Bench : Division Bench

Judgement

B.R. Arora, J.—This appeal is directed against the judgment dated 27.2.92, passed by the learned Single Judge, by which the learned Single Judge allowed the writ petition filed by the petitioner and directed the respondents to declare the result of the writ petitioner within a period of one month from the date of the order and if he clears the written test then he may be granted promotion/appointment in the Clerical Cadre on the basis of the merit list prepared by the bank and if he is found entitled for appointment from the date when the person junior to him was promoted then he may be promoted from that date. The learned Single Judge further directed the respondents to provide the petitioner the consequential benefits within three months from the date of decision.

2. Mr. Nand Ram, the writ petitioner, who is a member of Scheduled Caste, Joined the services of State Bank of India, Agricultural Development Branch, Raisinghnagar, on 29-3-82, as a Messenger (Class IV employee). After joining the services, he passed Prathma Examination from Hindi Sahitya Sammelan, Allahabad, in the year 1982. According to the petitioner, vide letter dated 15-3-84, the Prathma Examination was recognised as equivalent to Matriculation by the Regional Manager of the bank and an entry to this effect was made in the Service Record of the petitioner, which is clear from Annexure. III and Annexure. IV. The petitioner thereafter appeared in the Clerical Cadre Examination held by the Bank on 23-10-88 and the result of the written test was declared in the

month of January, 1989, but the result of the petitioner was withheld, On enquiry, the Central Office, by its letter dated 6-2-89, informed the Branch Manager that the question of promotion of the persons having qualification of Prathma to the Clerical Cadre for the year 1988, is pending consideration before the Central Office and the necessary decision will be conveyed as and when the matter is finalised. As the result of the petitioner was not declared, he filed the aforesaid writ petition.

3. The contention of the petitioner before the learned Single Judge was that the Prathma Examination of Hindi Sahitya Sammelan, Prayag, Allahabad, was treated as equivalent to Matriculation by the respondent No. 3 and the necessary entry regarding his qualification as Matriculation was made in the Service Record of the petitioner and he alongwith other persons, was allowed, to appear in the Written Test for the Clerical Cadre. The respondents are, therefore, now, estopped from raising such objection, when once they allowed the petitioner to appear in the written test on the basis of the aforesaid qualification. The reply by the bank on the other hand, is that Prathma Examination was never recognised as equivalent to Matriculation and it is only for the limited purpose, i.e., for grant of honorarium to the employees of the bank that the Prathma Examination has been treated as equivalent to Hindi Standard of Matriculation and not equivalent to Full Matriculation. It has also been stated in the reply on behalf of the bank that the petitioner and other alike holding the qualification of Prathma, were provisionally allowed to appear in the written test for the clerical Cadre Posts as several representation were received by the Head office and were pending consideration before the Executive Committee of the Central Board. The Executive Committee later on, decided not to treat the Prathma Examination from Hindi Sahitya Sammelan, Allahabad, as equivalent to Matriculation. It has, also been stated in the reply that the Regional Manager was not competent to give relaxation in the matter and the principle of estoppel does not apply in the matter of the Rules.

4. The learned Single Judge by his judgment dated 27-2-92, held that "as per the Reference Book on staff Matters (consolidated upto 30th April, 1987), the certificate of Prathma has been treated as equivalent to Matriculation only for the purpose of Hindi subjects then too, as per Clause (1) of Chapter XXII of the aforesaid Reference Book the petitioner is entitled to appear in the written test to be held for promotion to the Clerical Cadre as his proficiency in English will be adjudged in the proposed test being held. It may be stated here that in this case the petitioner was provisionally permitted to appear in the written test to be held for promotion to the Clerical Cadre and hence his proficiency in English must have been adjudged, his result should be declared by the respondents." The learned Single Judge further observed that "the letter of the Regional Manager informing respondent No. 4 that the certificate of Prathma is equivalent to Matriculation has not been withdrawn by the respondent Bank and that was a conscious communication which was sent by the Head Office to the Branch Manager (respondent No. 4) and it was on the basis of this letter that the

qualification of petitioner has been recorded in his service sheet and he has been informed that his qualification has been treated as equivalent to the Matriculation and, therefore, the respondents are, now, estopped from taking the stand that this qualification is not equivalent to Matriculation." The learned Single Judge, therefore, allowed the writ petition and directed the respondents to declare the result of the petitioner of the Written Test and if he clears the written test then to give him promotion in the Clerical Cadre in accordance with his merit and seniority. It is against this Judgment dated 27-2-92, that the appellants have filed the present appeal.

5. It is contended by the learned Counsel for the appellants that the Prathma Examination was not treated as equivalent qualification to Matriculation by the Executive Committee of the Central Board of the Bank, which is competent to consider the case of equivalence of the various examinations for the purpose of appointment and promotion in the services of the bank. The equivalence of Prathma Examination has been recognised by the bank for Hindi Standard of Matriculation only and not for Full Matriculation. The bank has powers to prescribe the conditions of eligibility for, promotion to the Clerical Cadre. It has, also, the powers to decide the question of equivalence of particular examination and the decision is not open to judicial review. In support of its contention, learned Counsel for the appellants have placed reliance over: *Rajendra Prasad Mathur v. Kamataka University and Ors.* 1986. SCC 740, *Sardara Ram Dangi v. The District Judge, Jodhpur and Ors.* WLR 1991 Raj. 290 and *Govind Ram v. Indian Bank through the Chief Officer* 1992 (2) RLR 561 . It has, also, been contended by the learned Counsel for the appellants that the petitioner-respondent obtained the certificate of Prathma after joining the service and no assurance was given by the appellants to him and even the admission by the Regional Manager in regard to quivalence cannot bind the bank from contending that Prathma is not equivalent to Matriculation if it has not been treated as equivalent qualification under the Rules and, therefore the principle of estoppel is not applicable in the present case. In support of its contention, learned Counsel for the appellants has placed reliance over: *Home Secretary to Home Secretary, U.T. of Chandigarh and Another Vs. Darshjit Singh Grewal and Others*, and *Assistant Excise Commissioner and Others Vs. Issac Peter and Others*, . The learned Counsel for the respondent (writ petitioner), on the other hand, has submitted that the communication Annexure. III issued by the Regional Manager accepting the certificate of Prathma as equivalent to Matriculation and making necessary entry in his Service Record and allowing the petitioner to appear in the Written Test, show that Prathma Examination was granted recognition as equivalent to Matriculation by the bank and, therefore, the petitioner and the other alike persons were allowed to appear in the written test for promotion to the Clerical Cadre and, therefore, the appellants are, now, estopped from raising this contention and the learned Single Judge was justified in directing the appellants to declare the result of the petitioner and accord him promotion in case he clears the examination and stands in merit and seniority. In support of

his contention, learned Counsel for the petitioner-respondent has placed reliance over: the State of Rajasthan and Ors. v. Shiv Koran and Ors. WLR 1993 Raj. 367 . According to the learned Counsel for the respondent-petitioner, the principle of promissory estoppel is applicable in the present case till the communication Annexure III and Annexure IV are not revoked. In support of his contention, learned Counsel for the respondent-petitioner has placed reliance over: Union of India (UOI) and Others Vs. Godfrey Philips India Ltd., , Ashok Chand Singhvi Vs. University of Jodhpur and Others, and Vij Resins Pvt. Ltd. and Others Vs. State of Jammu and Kashmir,

6. We have considered the submissions made by the learned Counsel for the parties.

7. The first contention, raised by the learned Counsel for the appellant is that the respondent-petitioner was having the Certificate of Prathma Examination only which was never treated as equivalent to Matriculation and as he was not possessing the necessary qualification for promotion to the Clerical Cadre, therefore, his result was not declared and he cannot be promoted to that cadre for want of requisite qualification. Chapter XXII of the Reference Book on Staff Matters deals with the promotion of Subordinate Staff to the Clerical cadre. Clause (1) of Chapter XXII provides that a written test will be held for the members of the subordinate staff, who fulfil the eligibility criteria for promotion to the clerical cadre. The eligibility criteria laid down by these Rules: are (i) five years service as on 1st August in permanent capacity; and (ii) passed in S.S.C./ Matriculation or equivalent examination as on 1st January. Those employees who have passed S.S.C. examination from a recognised Board or University without English were eligible to appear in the test as their proficiency in English may be judged in the proposed test being held. The Bank, also, started a Scheme to give incentive to its employees to acquire knowledge of Hindi. The scheme known as "Incentive Scheme for passing recognised Examination of Hindi" for its permanent full-time employees provides that the employees, who passed the recognised examination in Hindi, will be paid honaratrium as specified in Sub-para (4) and under that Scheme, for the grant of honorarium, Prathma examination of Hindi Sahitiya Sammellan, Prayag, Allahabad, has been treated as equivalent to Hindi Standard in Matriculation only. Thus, only a limited recognition of equivalence to Hindi Standard has been given to Prathma examination and not as full-fledged Matriculation.

8. The necessary qualification, as prescribed under the Rules, is to pass S.S.C./ Matriculation or equivalent examination. The petitioner had neither passed S.S.C. nor Matriculation Examination. He has only passed Prathma Examination from Hindi Sahitiya Sammellan, Prayag, Allahabad. State Bank of India is a commercial bank and it has to keep the minimum standard of eligibility for according promotions or appointments to the clerical cadre. The bank has not issued any separate equivalence of the various examinations and has considered only those examinations as equivalent to S.S.C./Matriculation which are so

recognised by the Government of India. Hindi Sahitya Sammelan, Prayag, Allahabad has issued a Circular showing the recognition of its various Degrees/Certificates given by the Central Government, State Governments, other Universities and/or Boards running in India. As per this Circular (Annexure.R. 1), Prathma examination of Hindi Sahitya Sammelan, Prayag has been recognised as equivalent to Metric for Hindi Standard only by the Central Government and not for complete Matriculation. The Press Note issued by the Government of India granting recognition to Hindi Examinations conducted by the Member Institute of "Akhil Bharitya Hindi Sanshtha Sangh", also, shows that the recognition to Prathma examination has been accorded only in regard to Standard of Hindi of S.S.C. examination and is not treated as full fledged certificate of Matriculation or S.S.C., to which it is equated. Various representations were made to the bank by its workers unions for consideration of equivalence of Prathma examination to Matriculation or S.S.C. examination. The competent authority of the bank, i.e., the Executive Committee of the Central Board took a decision that Prathma examination conducted by Hindi Sahitya Sammelan, Prayag, Allahabad and the certificates of other examinations conducted by Hindi Sahitya Sammelan cannot be treated as full-fledged certificate and accorded only a limited equivalence/recognition to the Prathma examination in regard to Standard of Hindi prescribed in the Matriculation Examination. In view of the decision of the bank according only partial equivalence of Hindi Standard only, the employees, who have passed Prathma Examination are not entitled for promotion/appointment in the clerical cadre. The Hindi Sahitya Sammelan, Prayag, Allahabad is not a university established under the statute nor it is a "deemed university" as established u/s 3 of the Universities Grant Commission Act, 1986.

9. In *Sardara Ram Dangi v. The District Judge, Jodhpur and Ors.* (Supra), a similar controversy came-up for consideration before the Division Bench of this Court. Sardara Ram Dangi was appointed as Class IV servant on 6.5.80 by the District Judge, Jodhpur. He passed the Prathma Examination of Hindi Sahitya Sammelan, Allahabad in the year 1983 and that examination was recognised by the Government of Rajasthan as equivalent to Hindi Standard of Secondary/Matriculation examination conducted by the Board of Secondary Education, Rajasthan, Ajmer. The petitioner was not given promotion as Lower Division Clerk against 10% reserved quota for Class IV employees. A representation was made by him, which was turned-down and he ultimately filed the writ petition. The writ petition, filed by the petitioner, was dismissed. He preferred an appeal before the Division Bench and the Division Bench, while dismissing the Special Appeal filed by Sardara Ram Dangi, held that "if we look at the order dated 13.5.74 (Annexure. 2) it would appear that Prathma Examination has been recognised as equivalent to High School or Higher Secondary/First Year for Hindi Standard only. The recognition is a limited recognition and is not a general recognition that Prathma Examination is equivalent to Secondary Examination of the Board of Secondary Education, Rajasthan, Ajmer. Only for Hindi Standard, it has been

recognised qualification. On the basis of Annexure. 2, in our opinion, the appellant's claim is unfounded and on the basis of Annexure. 2, it cannot be founded that the appellant has passed the examination recognised by the State Government equivalent to Secondary School Examination of the Board of Secondary Education, Rajasthan, Ajmer." The Division Bench further observed that "Hindi Sahitya Sammelan, Prayag, may be an institution of National importance but in the absence of any notification in the official gazette, Hindi Sahitya Sammelan cannot be treated as a "deemed University" u/s 3 of the Universities Grant Commission Act, 1986.

10. In: the State of Rajasthan and Anr. v. Shiv Karon and Ors. WLR 1993 Raj. 367, the question of equivalence of prathma qua the Secondary school examination/Matriculation again came-up for consideration before the Division Bench of this Court. In that case, the State Government recognised Prathma examination equivalent to Maticulation Examination and that recognition was later on withdrawn by the state Government. The Court, therefore, held that "by Notification dated 13.5.74 the Government of Rajasthan recognised Prathma of Hindi Sahitya Sammelan, Allahabad as equivalent to that of high School/Matriculation. Subsequently vide notification dated 28.6.85 the said qualification has been derecognised. The Notification dated 28.6.85 was not retrospective in effect. It did not effect the equivalence which was earlier granted by the notification dated 13.5.74". This judgment of the Division Bench is not applicable so far as the present controversy is concerned because in the case of the State of Rajasthan v. Shiv Koran, Rule 12(2) itself required that the candidate must possess Hindi or Sanskrit qualification recognised by the Government as equivalent to Maticulation and Prathma Examination was recognised as equivalent to Maticulation in to and not for Hindi Standard only. This judgment is, therefore, of no assistance to the respondent.

11. The question: whether a particular Degree or Certificate be granted equivalence or not by the University and the decision of Karnataka University not to recognise the Higher Secondary Examination held by the Board of Secondary Education Rajasthan, Ajmer, as equivalent to the per-University Examination of the per-University Education Board, Banglore,. came-up for consideration before the Supreme Court in the case of: Rajendra Prasad Mathur v. Karnataka University and Anr. 1986 SCC 740 and it was held by the Supreme Court:

It would not be right for the Court to sit in judgment over the decision of the University relating to the academic question of equivalence because it is not a matter on which the Court possesses any expertise. The University is best fitted to decide whether any examination held by a University out-side the State is equivalent to an examination held within the state having regard to the courses the syllabus, the equality of teaching or instruction and the standard of examination.

12. The Prathma Examination has been given only a conditional equivalence, i.e., for the Hindi Standard of S.S.C./Matriculation only and not for full matriculation

and, therefore, it cannot be said that the petitioner acquired the qualification of Matriculation of Secondary School Examination or S.S.C. Examination. He does not fulfil the necessary educational qualification for promotion to the clerical cadre. As he lacks the requisite educational qualification, therefore, he was not eligible for promotion to the post of Clerical Cadre and his result was, therefore, rightly with-held by the respondent-appellants.

13. The next question, which requires consideration, is: whether the doctrine of estoppel will be applicable in the present case? petitioner was not qualified for promotion to the post of clerical cadre as he was having only the certificate of Prathma and not of Matriculation or S.S.C. He was provisionally allowed to appear in the written test as the representation by various unions were pending before the Central Board. In the circular (Annexure. 6), by which intimation was given to various candidates to appear in the written test, it was specifically mentioned that the candidates having passed Prathma Examination are being provisionally allowed to appear in the written test subject to clearance from the Central Office. The Board thereafter considered the various representations and took a decision that Prathma Examination cannot be equated with Matriculation and it can be granted equivalence only for a limited purpose of Hindi Standard of Matriculation. There was, therefore no assurance or undertaking given by the respondent-appellants to the petitioner and alike. Annexure. 3, on which reliance has been placed by the learned Counsel for the petitioner-respondents, was issued by the respondent-appellants only considering the case of petitioner for the grant of honorarium on his passing Prathma Examination. It has been specifically mentioned in the letter Annexure. 3 that "Nand Ram is not entitled to receive any honorarium for the same. However, this qualification be recorded in his Service Sheet." Prathma examination was recognised as equivalent only for a limited purpose of Hindi Standard of Matriculation and not for complete Matriculation. However, if this wrong letter has been issued by the Regional Manager then that will not bind the Bank, which is a commercial institution having its offices/branches all over the Country, while this letter has been issued only by one Region. It was an unauthorised and erroneous communication issued by the Regional Manager which cannot preclude the bank to re-assert its legal rights and the doctrine of estoppel cannot be invoked so as to give an authority a power which it does not, in law, possess. No estoppel can legitimate any action which is contrary to the Rules. The Rules confer no authority on the Regional Manager to relax the qualification or treat Prathma Examination equivalent to Matriculation. The equivalence can be considered by the Executive committee of the Central Board and not by the Regional Manager and the Regional Manager, therefore cannot bind the Bank by applying the principle of estoppel as there can be no estoppel against the Rules. The Rules framed by the bank provide minimum educational qualification for clerical cadre which bind the bank as well as the others and the requirement of these Rules cannot be waived by the Regional Manager of the bank in a region. If an officer acting out-side the scope of his authority, issues a letter then that letter cannot bind the Bank. The

doctrine of promissory estoppel is based on equity, which cannot be invoked to defeat the rule which lays down the minimum educational qualification for promotion to the clerical cadre. A public functionary like the Regional Manager of the bank, with limited powers, cannot bind itself or the Bank to act contrary to the Rules and if it purports to do so, it will repudiate its undertaking or assurance because it cannot extend its powers by creating an estoppel. An agent cannot bind his principal by exceeding his own authority if that authority is circumscribed by the Rules. The legal consequence of unauthorised and erroneous assurance is nugatory and cannot preclude the bank to re-assert that the petitioner is not fulfilling the necessary qualification for promotion to the post of clerical cadre and, therefore, he cannot be promoted. An inaccurate or erroneous communication, contrary to Rules's cannot create a right in favour of the petitioner for being promoted to the clerical cadre because an authority cannot vary the scope of its powers as a result of its own error. It may further be stated that the petitioner neither acted to his detriment or prejudice nor changed the position to his disadvantage on the basis of the communications Annexure. 3 and 4, nor any assurance was given by the bank or its functionaries and, therefore, the principle of estoppel will not apply. The equitable rule of estoppel cannot defeat the Rules which lay down the minimum qualification for promotion to the clerical cadre.

14. In *Union of India (UOI) and Others Vs. Godfrey Philips India Ltd.*, it has been held that "there can be no promissory estoppel against the Legislature in the exercise of its legislative functions, nor can the government or public authority be debarred by promissory estoppel from enforcing statutory prohibition nor can promissory estoppel be used to compel the government or a public authority to carry-out a representation or promise which is contrary to law or which was outside the authority or power of the officer of the government or of the public authority to make. Further, the doctrine of promissory estoppel, being an equitable doctrine, must yield when the equity so requires.

15. In *Ashok Chand Singhvi Vs. University of Jodhpur and Others*, , the petitioner a Diploma-holder and serving in M.B.M. Engineering College, Jodhpur applied for study leave for three years to prosecute his study in B.E.Degree Course. The application was accepted by the Syndicate. Thereafter he applied for admission in the B.E. Degree Course as a regular Student. The Dean of the Faculty forwarded the application to the Vice Chancellor, which was returned to him with the endorsement that the Dean himself is competent to make admission. Certain objections were also, raised by the office. The Dean considered the said objections and recommended the case of the petitioner for admission. The Vice Chancellor accepted the recommendations made by the Dean and granted admission to the petitioner. The petitioner deposited the requisite fee. His admission was, later on, put in abeyance. He filed a writ petition, which was dismissed by the High Court. The petitioner went upto the Hon'ble Supreme Court and the Supreme Court held that "when after considering all the facts and circumstances and, also, the objections by the Office to the admission of the

candidate, the Vice Chancellor directs the admissions of such candidate, such admission could not be said to have been made through mistake. Assuming that the student was admitted through the mistake, the student, not being in fault, the order withholding the admission was not liable to be sustained." In that case, certain objection were raised by the Office against the admission and after the consideration of those objections, admission was granted to the petitioner. In the present case, the petitioner-respondent is not eligible to promotion. He was provisionally allowed to appear in the examination because at the relevant time, representations made by various unions regarding equivalence of Prathma Examination with Matriculation, were under consideration before the Central Board. The case of Ashok Chand Singhvi is, therefore, of no assistance to the petitioner-respondent.

16. In *Vij Resins Pvt. Ltd. and Others Vs. State of Jammu and Kashmir*, , the State of Jammu and Kashmir, in the Seventies, decided to industrialise the under-developed state and with that end in view, came forward with certain schemes and threw open invitation to the out-siders to invest and set-up industry in the State. As stimulus Government offered land and other facilities, the writ petitioners went to the State of Jammu and Kashmir in response and negotiated the arrangements and established industries by making substantial investments, but later on the state Government framed Act No. 7 of 1986 by which existing rights of the petitioner were terminated. The supreme court, after considering the facts and circumstances of the case and the law on the point, held that "though there is no estoppel against the Legislature and the vires of the Act cannot be tested by invoking a plea of estoppel but so far as the state Government is concerned, the rule of estoppel does apply against it." In the present case, no assurance or commitment was given/made by any person. If any letter has been issued by the Regional Manager by mistake, which is against the Rules, then that cannot bind the bank. This judgment is, therefore, of no assistance to the petitioner-respondent.

17. In: the *Home Secretary, U.T. of Chandigarh and Another Vs. Darshjit Singh Grewal and Others*, , the respondents No. 1 to 4 (the original petitioners in the writ petition) were admitted to various Engineering Colleges affiliated to Chandigarh University in the Management quota. Their marks were much below the marks obtained in J.E.T. (Joint Engineering Test), by the last candidate admitted to Chandigarh Engineering Collage. The respondents sought their transfer to this Engineering College. The Principal, Chandigarh Engineering College, initially opposed the transfer but subsequently agreed to it. The syndicate of the University and the Chandigarh Administration approved the transfer and the Syndicate sanctioned additional seats. The principal, later on, objected to the admissions of the respondents. The respondent-petitioners filed writ petition before the Punjab and Haryana High Court, which was allowed. The Government went in appeal before the Supreme Court. The Supreme Court, reversing the decision of Punjab and Haryana High Court, held that " the Principal hed no power to agree to the transfer contrary to Rule 2 of chapter XIV

(E) of Punjab University Hand Book. He had no discretion in the matter. He was bound to reject the applications. Neither the rule of promissory estoppel nor any other equitable rules bars him from raising the said objection at any time before the actual admissions took place. The Principal of Chandigarh College is an Officer or Authority of the University. The University is a corporate body governed by law. The subject of Migration of the students is a matter governed by law. The Principal could only act within the said provisions, not out-side it. Since the acts of the University are equally violative of such rule, they do not add any strength to the respondents case. It is, thus, abundantly clear that an equitable rule like the rule of promissory estoppel cannot be invoked to defeat the statutory provision, which can, in deed, be termed mandatory." This case fully applies to the present controversy. The petitioner was not having the necessary educational qualification for promotion to the clerical cadre and, therefore, even if an entry at the instance of the Regional Manager was made regarding the qualification of the petitioner in the service Record of the petitioner, then that will not give him any right for promotion to the clerical cadre in the absence of necessary educational qualification.

18. In the Assistant Excise Commissioner and Others Vs. Issac Peter and Others, it has been held by the Supreme Court that "the rules of promissory estoppel and estoppel by conduct, cannot be invoked to alter or amend specific terms of contract nor can they prevail against the statutory provisions. Here, all the terms and conditions of the contract, being contained in the statutory Rules, prevail.

19. In a democratic society, governed by the Rules of Law, every public undertaking, which claims to be inspired by ethical and moral value, must do what is fair and just regardless of legal technicalities. The Regional Manager, while issuing the letter Annexure. 3, acted beyond its powers and issued the letter which is contrary to the Rules. An erroneous intimation does not create a right in favour of the petitioner. The Regional Manager cannot vary the scope of the Rules as a result of its own error and by writing the letter he cannot make the ineligible person eligible for giving promotion. There can be no estoppel against the Rules. The Rules bind the bank as well as others. The Regional Manager or any functionary of the bank cannot waive the condition of minimum educational qualification as that can be done only by way of amendment in the Rules. The principle of estoppel will, therefore, not apply in the present case. The learned Single Judge was, therefore, not justified in applying the principle of estoppel in the case of the petitioner. The judgment, passed by the learned Single Judge, therefore, deserves to be quashed and set-said.

20. In the result, the appeal, filed by the appellants, is allowed. The judgment dated 27.2.92, passed by the learned Single Judge, is quashed and set-aside and the writ petition, filed by the petitioner-respondent, is, therefore, dismissed.