

REPORTABLE**C O R R E C T E D****IN THE SUPREME COURT OF INDIA****CIVIL APPELLATE JURISDICTION****CIVIL APPEAL NO. OF 2026**
(Arising out of SLP(C) No.6845 of 2026)**GENERAL MANAGER (HR) & ANR.****APPELLANTS****A1 : GENERAL MANAGER (HR)****A2 : DEPUTY REGIONAL MANAGER &
DISCIPLINARY AUTHORITY****VERSUS****K. POOVARASAN****RESPONDENT****O R D E R**

Heard learned counsel for the parties.

2. Leave granted.

3. The present appeal is directed against the impugned judgment dated 09.09.2025 passed by the Division Bench of the High Court of Judicature at Madras in W.A. No. 2693 of 2025, whereby the writ appeal preferred by the appellants came to be dismissed and the order dated 16.04.2025 passed by the learned Single Judge of the High Court in W.P. No. 25553 of 2019 was affirmed. By the said order, the learned Single Judge had set aside the order of dismissal dated 30.10.2018 passed by the appellants and directed

reinstatement of the respondent in service with continuity of service and other consequential benefits, but without backwages.

4. Learned counsel for the appellants submitted that the respondent was appointed pursuant to his name having been sponsored by the Employment Exchange for the post of Temporary Attender. In the requisition sent to the Employment Exchange, it was specifically stipulated that the candidate should possess the qualification of passing 8th Standard, but should not have passed the 12th standard or acquired any higher qualification. However, in the application submitted to the Employment Exchange, he disclosed only that he had passed the 10th standard, despite admittedly being a graduate. According to learned counsel, this amounted to a clear suppression of material facts and constituted the foundational fraud by which the respondent secured consideration for appointment. It was contended that any subsequent selection, interview, or appointment would not cure such suppression or confer any right upon the respondent.

5. In support of the aforesaid submission, learned counsel for the appellants placed reliance on the judgment of this Court in ***Jomom K.K. v. Shajimon P. and Others* [2025 SCC OnLine SC 711]**.

6. *Per contra*, learned counsel for the respondent submitted that at the time of filling up the attestation form, the respondent had disclosed that he had passed the 10th standard and there was no deliberate suppression on his part. It was further submitted that the respondent had updated his graduate qualification in another

Employment Exchange and that the sponsorship of his name was made on the basis of an earlier registration, that too in another Employment exchange.

7. Learned counsel for the respondent further submitted that during the course of service, the respondent had sought permission from the appellants to pursue his graduate course and such permission was granted. According to him, this demonstrated that the appellants were fully aware that the respondent possessed qualifications higher than the prescribed limit and therefore, the appellants could not subsequently contend that the respondent had secured employment by suppression of facts.

8. In conclusion, learned counsel for the respondent urged that this Court may take a sympathetic view inasmuch as the respondent has been in service for a considerable period and his removal from employment at this stage would visit him and his family with grave hardship.

9. Having considered the matter in its entirety, though we may have sympathy for the respondent, the conduct attributed to him and the settled position of law leave us with no option but to interfere with the impugned judgment. Public employment must be made available to all eligible candidates in accordance with the prescribed qualifications. At this juncture, it would be apposite to quote the observation of this Court in **Jomon K.K. v. Shajimon P. and others** (supra) as follows:

"36. We hasten to add that whether or not the action of the employer to exclude an aspirant from the process of selection (on

the ground that either he is over qualified for a particular post or has qualifications which, being over and above what is ordained by statutory rules or rules framed under the proviso to Rule 309 of the Constitution, does not match the qualification specifically required) is justified has to be decided considering the rules governing the selection, the qualifications prescribed, the nature of duty to be performed, the nature of service to be rendered and a host of other factors. It has to be remembered that at times, the employer's need to have the right people at the right place, and not always the higher qualified, has to be conceded. We know of decisions holding that over-qualification cannot be a disqualification since such an approach amounts to discouraging the acquisition of qualifications on the one hand and on the other, such an approach could be seen as arbitrary, discriminatory and not in national interest. However, this principle cannot be put in a straitjacket imposing rigid or inflexible rules or norms. Lack of public employment opportunities in sufficient numbers may force even a Master degree holder to apply for the job of a peon but, if he is appointed upon his application being favourably considered, what happens to the aspirants who have not had the means of pursuing study beyond the 12th standard? Do they remain unemployed for ever, if all or majority of the posts of peon are filled upon by such degree holders? What happens if the Master degree holder, in pursuit of greener pastures, leaves the post of Peon for a better and secured higher job commensurate with his qualifications after a couple of years? Does it not, in such a case, burden the public exchequer by requiring the employer to initiate a fresh selection process? Is not the State, as a model employer, obliged to ensure that the posts of peon are filled up only by those having the basic qualification, and not by over qualified candidates, for sub-serving the common good? Does not the State have the obligation to strive to ensure that all citizens have adequate means of livelihood? These are questions which no court can afford to ignore. We end by saying that each case that comes before the Court has to be decided on its own peculiar facts and the problem that it presents for resolution and that there can be no universally accepted rule that every time, a higher qualified candidate is to be preferred to a candidate who matches the essential qualification required for the post.

...

38. This Court in *Ashok Kumar Sonkar v. Union of India* (2007) 4 SCC 54 held that if an appointment is illegal, it is non-est in the eye of law and rendering the appointment a nullity and principles of equity in a case of such nature would have no role to play; also that, sympathy should not be misplaced."

10. In the present case, it is manifest from the communication

dated 20.10.2009 sent by the appellants to the Employment Exchange that the minimum qualification prescribed was a pass in the 8th standard and the maximum qualification prescribed was that the candidate should not have passed the Intermediate or 12th Standard or 10 + 2 Examination. The rationale behind prescribing an upper limit of qualification is both reasonable and equitable, namely, to provide employment opportunities to persons who, owing to circumstances of life, could not pursue higher education. The State, as a model employer, is justified in reserving certain categories of posts for such persons so that they are not compelled to compete with more highly qualified candidates against whom they would ordinarily stand little chance of selection. Such a policy has consistently been upheld by the Courts. Thus, when the post was specifically intended for candidates possessing lower educational qualifications, permitting a person with higher qualifications to secure such employment would necessarily result in depriving a genuinely eligible and deserving candidate of the opportunity.

11. Even if it is assumed that there was no deliberate attempt on the part of the respondent to mislead the authorities at the initial stage, the fact remains that as per the requisition issued by the appellants, only candidates not possessing qualifications higher than the prescribed limit were eligible for consideration. Once it came to light that on the date his name was sponsored by the Employment Exchange, the respondent possessed qualifications beyond the permissible limit, he ceased to be eligible for consideration itself. Consequently, he could not have proceeded to

the next stage of selection, and any subsequent action taken by the appellants would not create any enforceable right in his favour to continue in service.

12. Another circumstance which weighs against the respondent is that, while filling up the attestation form, despite a clear requirement to disclose all educational qualifications acquired from school onwards, he disclosed only that he had passed the 10th standard in the year 2012. Had the respondent acted *in good faith* and without awareness of the eligibility restriction, there would have been no reason for him not to disclose his entire educational record. The omission to do so raises serious doubts regarding his *bona fides*.

13. Further, the record indicates that after entering service, the respondent sought permission from the appellants to pursue graduation and such permission was granted. This circumstance also suggests that the respondent intended to project that he did not possess a graduate degree at the time of entry into service and that he intended to acquire such qualification only thereafter for future career advancement. Such conduct reinforces the inference that the respondent was conscious of the fact that disclosure of his actual qualification would have rendered him ineligible for appointment to the post in question.

14. In view of the aforesaid discussion and having regard to the totality of the circumstances, the appeal is allowed. The order dated 16.04.2025 passed by the learned Single judge in W.P. No.

25553 of 2019, as affirmed by the Division Bench in W.A. No. 2693 of 2025 is set aside. Consequently, the order dated 30.10.2018 passed by the appellants dismissing the respondent from service stands restored.

15. Pending application(s), if any, shall stand disposed of.

.....J.
[AHSANUDDIN AMANULLAH]

.....J.
[R. MAHADEVAN]

NEW DELHI
MAY 19, 2026

ITEM NO.12

R E V I S E D
COURT NO.12**SECTION XII****S U P R E M E C O U R T O F I N D I A**
RECORD OF PROCEEDINGS**Petition(s) for Special Leave to Appeal (C) No(s).6845/2026****[Arising out of impugned final judgment and order dated 09-09-2025 in WA No.2693/2025 passed by the High Court of Judicature at Madras]****GENERAL MANAGER (HR) & ANR.****Petitioner(s)****VERSUS****K. POOVARASAN****Respondent(s)****(FOR ADMISSION)****Date : 19-05-2026 This matter was called for hearing today.****CORAM :****HON'BLE MR. JUSTICE AHSANUDDIN AMANULLAH**
HON'BLE MR. JUSTICE R. MAHADEVAN**For Petitioner(s)** Mr. Rajesh Kumar Gautam, AoR
Mr. Anant Gautam, Adv.
Mr. Vibhu Sharma, Adv.
Ms. Likivi K. Jakhalu, Adv.
Mr. Aman Gahlot, Adv.
Mr. Rishi Chauhan, Adv.
Ms. Azal Aekram, Adv.**For Respondent(s)** Mr. M. Vijayan, Adv.
Mr. Justin Selvakumar, Adv.
Mr. P. S. Sudheer, AoR
Mr. Rishi Maheshwari, Adv.
Ms. Anne Mathew, Adv.
Mr. Bharat Sood, Adv.
Mr. Jashan Vir Singh, Adv.**O R D E R****Heard learned counsel for the parties.****2. Leave granted.**

3. The appeal is allowed in terms of the reportable signed order.
4. Pending application(s), if any, shall stand disposed of.

(SAPNA BISHT)

COURT MASTER (SH)

(ANJALI PANWAR)

ASSISTANT REGISTRAR

(Corrected Reportable Signed order is placed on the file)

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4. Learned counsel for the appellants submitted that the respondent was appointed pursuant to his name having been sponsored by the Employment Exchange for the post of Temporary Attender. In the requisition sent to the Employment Exchange, it was specifically stipulated that the candidate should possess the qualification of passing 8th Standard, but should not have passed the 12th standard or acquired any higher qualification. However, in the application submitted to the Employment Exchange, he disclosed only that he had passed the 10th standard, despite admittedly being a graduate. According to learned counsel, this amounted to a clear suppression of material facts and constituted the foundational fraud by which the respondent secured consideration for appointment. It was contended that any subsequent selection, interview, or appointment would not cure such suppression or confer any right upon the respondent.

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appellants would not create any enforceable right in his favour to continue in service.

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of 2025 is set aside. Consequently, the order dated 30.10.2018 passed by the appellants dismissing the respondent from service stands restored.

15. Pending application(s), if any, shall stand disposed of.

.....J.
[AHSANUDDIN AMANULLAH]

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[R. MAHADEVAN]

NEW DELHI
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ITEM NO.12

COURT NO.12

SECTION XII

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RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No(s).6845/2026

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GENERAL MANAGER (HR) & ANR.

Petitioner(s)

VERSUS

K. POOVARASAN

Respondent(s)

(FOR ADMISSION)

Date : 19-05-2026 This matter was called for hearing today.

CORAM :

HON'BLE MR. JUSTICE AHSANUDDIN AMANULLAH
HON'BLE MR. JUSTICE R. MAHADEVAN

For Petitioner(s) Mr. Rajesh Kumar Gautam, AoR
Mr. Anant Gautam, Adv.
Mr. Vibhu Sharma, Adv.
Ms. Likivi K. Jakhalu, Adv.
Mr. Aman Gahlot, Adv.
Mr. Rishi Chauhan, Adv.
Ms. Azal Aekram, Adv.

For Respondent(s) Mr. M. Vijayan, Adv.
Mr. Justin Selvakumar, Adv.
Mr. P. S. Sudheer, AoR
Mr. Rishi Maheshwari, Adv.
Ms. Anne Mathew, Adv.
Mr. Bharat Sood, Adv.
Mr. Jashan Vir Singh, Adv.

O R D E R

Heard learned counsel for the parties.

2. Leave granted.

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COURT MASTER (SH)

(Signed order is placed on the file)

(ANJALI PANWAR)

ASSISTANT REGISTRAR