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SLP(C)No. 15492 OF 2001

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IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

Civil Appeal No. of 2002@@

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arising out of

Special Leave Petition (C) No. 15492 of 2001@@

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State of U.P. & Ors.

...Appellant (s)

Versus

Tajuddin Ansari

...Respondent(s)

O R D E R~@@

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Leave granted.

The State of Uttar Pradesh is in appeal against the impugned judgment of Allahabad High Court. The question for consideration is, whether the respondent had the requisite qualification on the date he was appointed. From the materials on record, we find that the requisite qualification was Intermediate with Urdu as a subject and admittedly, the respondent did not have that qualification on 5.5.1995, the date on which he was appointed. He acquired that qualification only in the year 1996. Such later acquisition of qualification cannot be held to be valid for the purpose of the legality of an order of appointment. The High Court, therefore, is in error in holding that the respondent had the

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requisite qualification on the date he was appointed. The impugned judgment of the High Court accordingly set aside and the appeal is allowed.

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( G.B. PATTANAİK )@@  
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New Delhi;

February 08, 2002

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( BRIJESH KUMAR )@@

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ITEM No.32

Court No. 3

SECTION XI  
A/N MATTER

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 (Civil) No.15492/2001

(From the judgement and order dated 16/05/2001 in SA 178/01  
of The HIGH COURT OF JUDICATUE AT ALLAHABAD BENCH AT LUCKNOW)

STATE OF U.P. & ORS.

Petitioner (s)

VERSUS

TAJUDDIN ANSARI

Respondent (s)

(With prayer for interim relief)

Date : 08/02/2002 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.B. PATTANAİK  
HON'BLE MR. JUSTICE BRIJESH KUMAR

For Petitioner (s) Mr. Yogeshwar Prasad, Sr. Adv.  
Mr. Ashok K. Srivastava, Adv.

For Respondent (s) Mr. Irshad Ahmad, Adv.

UPON hearing counsel the Court made the following  
O R D E R

.....L.....I.....J  
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Leave granted.  
Appeal allowed in terms of the signed order.

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(J.S. Rawat)  
Court Master

(Janki Bhatia)  
Court Master

(Signed order is placed on the file)