

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

COCP no.2436 of 2014(O&M)

Date of Decision : 03.09.2015

Deepti Sharma and others

....Petitioners

Versus

Sh.O.P.Popli

...Respondent

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER

Present : Mr. Y.P.Singla, Advocate for the petitioner

Mr. Anant Kataria, DAG, Punjab

MAHESH GROVER, J.

The reply indicates compliance of the orders of this Court which had mandated consideration of employment to the petitioner. This order of the writ Court was modified by the LPA Bench as follows:-

“Subordinate Services Selection Board, Punjab is directed to constitute a Committee of 3 experts, one member of which should be called from Department of Ayush, Ministry of Health and Family Welfare, Red Cross Building, New Delhi. The Committee is directed to be constituted within 15 days from the date of receipt of a copy of this order and the entire process to look into the equivalence of educational qualifications of the affected parties, be completed within next 4 weeks.

After giving opinion regarding equivalence of qualifications, the order passed by the learned Single Judge on 12.3.2014, if need be, be implemented immediately, and select list be prepared as per merit.”

Pursuant thereto the respondents constituted a committee of experts which went into the issue of equivalence of qualifications to conclude as follows:-

Conclusion

1. After going through the various aspects of the study course for recruitment to the posts of Up-Vaid in the Ayurveda Wing of the Department of Health and Family Welfare, Punjab. The committee has come to the conclusion that basis academic qualifications for admission to two years D.Pharmacy (Ayurvedic) by the Technical Board was 10 +2 (Preference in order of Medical, Non-medical). Similarly, the basic qualification for the admission in two years Up-Vaid D Pharmacy (Ayurvedic) was 10+2 with preference to those with Medical and non-Medical stream. Although it was changed to Matric from the session 2008 and yet it has further been changed to 10+2 (Preference in order of Medical, Non-Medical) from 2014 session. Thus, the committee has the opinion that basic academic qualification for the aforesaid course taught by the institutions under the state Ayurvedic Faculty, Punjab and the State

Technical Education Board, Punjab are the same.

2. The committee has also come to the conclusion that the study course taught by the Punjab State Faculty of Ayurvedic and Unani Systems of Medicine and the Board of Technical Education, Punjab is almost the same.

3. However, it is difficult to comment on the comparison of the quality of study for D.pharmacy (Up-Vaid) by the Institutions under the control of Technical Education Board, Punjab and Institutions holdings examinations of D.Pharmacy (Ayurveda)

4. Further it is difficult to comment whether regular inspections of the institutions under the Punjab State Technical Board are being conducted regularly by the concerned authorities to ensure proper infrastructure, hospital and training is imparted to the students as per the norm fixed by the State Government in this regard.”

The respondents then sought a clarification from the committee by posing certain questions of which answers were given by the committee which are as under:-

“1. That the Hon'ble Punjab and Haryana High Court had passed orders on dated 28.5.2014 in LPA no. 867 of 2014. In these orders Subordinate Selection Board, Punjab was directed to

constitute a committee of 3 experts, one member of which should be called from Department of Ayush, Ministry of Health and Family Welfare, New Delhi to look into the Equivalence of Educational Qualification of Up-Vaid (D-Pharmacy Ayurvedic) Course passed from the Punjab State Board of Technical Education and Industrial Training and the Punjab State Faculty of Ayurvedic and Unani System of Medicine.

2. That in compliance with these orders a committee was formed and submitted its report.

3. That in response to point raised in para no.3. It is clarified that on the basis of records, it is very difficult to establish 100% equivalence regarding quality of study hence both are not 100% equivalent on the basis of quality of studies.

4. That in response to point raised in para No.4. It is clarified that on the basis of records, it is very difficult to establish 100% equivalence regarding inspections of Institutions to examine the facilities and infrastructures available for training, hence both are not 100% equivalent on the basis of inspection of Institutions.”

The committee thus concluded that it was difficult for it to say that the qualifications were 100% equivalent to the one prescribed by the respondents themselves and this was the reason for declining the prayer of the petitioner for

consideration by virtue of the order dated 22.12.2014.

Learned counsel for the petitioner contends that this act of the respondents is contumacious and they be proceeded against under the provisions of Contempt of Courts Act.

In the considered view of this Court, the prayer of the petitioner cannot be accepted in view of the fact that the mandate of the LPA Bench was duly adhered to by the respondents to come to a conclusion which may or may not be correct as per the prospective of the petitioner. Consequently, instant petition is disposed of but with a liberty to the petitioner to impugn the action of the respondents in case of his dis-satisfaction.

September 03, 2015
rekha

(Mahesh Grover)
Judge