

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.14287 of 2013 (O&M)

DATE OF DECISION: SEPTEMBER 22, 2015

PRIYANKA & ORS.

...PETITIONERS

VERSUS

UNION PUBLIC SERVICE COMMISSION & ORS ...RESPONDENTS

**CORAM: HON'BLE MR. JUSTICE M. JEYAPPAUL.
HON'BLE MR. JUSTICE DARSHAN SINGH.**

1. Whether the judgement should be reported in the digest?

PRESENT: MR.VARUN BAANTH, ADVOCATE FOR THE PETITIONERS.
MR.NAMIT KUMAR, ADVOCATE FOR RESPONDENTS NO.1 TO 3.

M. JEYAPPAUL, J.

CM-10872-2015

1. Application is allowed and the official respondents are permitted to place on record the accompanying affidavit.

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2. Based on the indent made by the official respondents, the Union Public Service Commission (for short 'UPSC') invited applications vide advertisement No.16/2010 published in the Employment News on 28.8.2010 for appointment to the post of Drug Inspector in the Central Drugs Standards Control Organization, Ministry of Health & Family Welfare, Department of Health and Family Welfare.

3. As the applications submitted by the writ petitioners stood rejected by the UPSC on the ground that they had not fulfilled the eligibility criteria in terms of requisite duration of experience, the writ petitioners

approached the learned Central Administrative Tribunal, Chandigarh Bench (for short 'Tribunal'). The claim of the writ petitioners stood rejected by learned Tribunal. Therefore, they have filed the present writ petition challenging the impugned order.

4. Heard the submissions made on either side.

5. On a careful perusal of Annexure P-11 dated 19.2.2010 which is a Notification issued by the Department of Health and Family Welfare, it is found that in exercise of powers conferred by the proviso to Article 309 of the Constitution of India and in supersession of Central Drugs Standard Control Organization (Drugs Inspector) Recruitment Rules, 1990, Central Drugs Standard Control Organization (Drugs Inspectors) Recruitment Rules, 2010 were framed. Under the above Rules, the following educational and other qualifications required for direct recruits have been prescribed:-

“Essential:-

(i) Degree in Pharmacy or Pharmaceutical Sciences or Medicine with specialization in Clinical Pharmacology or Microbiology from a recognized University or equivalent;

(ii)(a) Eighteen months' experience in the manufacture of at least one of the substances specified in Schedule 'C'; or

(b) Eighteen months' experience in testing of at least one of the substances specified in Schedule 'C' in a laboratory approved for this purpose by the licensing authority; or

(c) Three years' experience in the inspection of firms manufacturing any of the substances specified in Schedule 'C'

during the tenure of their services as Drugs Inspector:”

6. Annexure P-1 is the advertisement No.16/2010 issued by the UPSC inviting applications for the post of Drugs Inspector in the Central Drugs Standard Control Organization as well. The above advertisement has been issued by UPSC prescribing the same qualification as mandated under the above Rules, 2010.

7. Admittedly, the writ petitioners do not possess such experience required not only under the above Rules but also under the advertisement calling for applications to fill up the above post.

8. In our considered view, there was nothing wrong in rejecting the applications submitted by the writ petitioners on the ground that they were ineligible as they did not possess the required experience as per the above Rules and the advertisement given strictly in accordance therewith.

9. Therefore, we find that there is no merit in the writ petition and the same stands dismissed.

(M. JEYAPPAUL)
JUDGE

September 22, 2015
Gulati

(DARSHAN SINGH)
JUDGE