

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.17062 of 2015

Date of decision: August 19, 2015.

GURPREET SINGH

... **Petitioner**

v.

STATE OF PUNJAB & ORS

... **Respondents**

CORAM: **HON'BLE MR. JUSTICE HEMANT GUPTA**
HON'BLE MRS. JUSTICE RAJ RAHUL GARG

Present: Shri Satbir Gill, Advocate, for the petitioner.

Hemant Gupta, J. (oral)

The petitioner has filed the present Public Interest Litigation for quashing of the order dated 28.5.2015 wherein services of Veterinary Pharmacists (private respondents) has been extended till 31st December, 2015.

The grievance of the petitioner is that such Pharmacists are not qualified to be enrolled for diploma course as they have not qualified matriculation examination with Science subjects, therefore, on the basis of diploma obtained through distance education mode from the Deemed Universities, will not make them eligible for appointment against the public posts.

A Division Bench of this Court in Kartar Singh v. Union of India and others, 2013(1) RSJ 224 has held that the grant of diploma

through distance education mode by the Deemed Universities is not permissible in technical subjects. Admittedly, the said judgment is subject to appeal before the Hon'ble Supreme Court wherein protection has been granted to the candidates who are in service. Since the matter is pending before the Hon'ble Supreme Court, the mere fact that the candidates were not even eligible for diploma holders cannot be examined at this stage in this petition.

So far as the other prayer of the petitioner that the posts of Veterinary Pharmacists should be filled up on regular basis is concerned, we do not find that any such direction can be given by this Court to State Government to fill up the vacant posts. It is an administrative decision as to when the vacant posts are to be filled up. This Court cannot direct the State to fill up the vacant posts in a writ petition.

Dismissed.

Liberty is granted to the petitioner to avail his remedy after the decision of the Hon'ble Supreme Court.

[Hemant Gupta]
Judge

[Raj Rahul Garg]
Judge

August 19, 2015.
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