

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

Civil Writ Petition No.21780 of 2013

Date of Decision: July 28, 2015

Dr.Kiran Gupta

...Petitioner

Versus

State of Haryana & others

...Respondents

CORAM: HON'BLE MR.JUSTICE AMIT RAWAL, JUDGE

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Present: Mr.Mukand Gupta, Advocate,
for the petitioner.

Mr.Rajneesh Chadwal, DAG, Haryana,
for the State.

Mr.Amit Singla, Advocate,
for respondent No.4.

AMIT RAWAL, J. (Oral)

The petitioner has sought the indulgence of this Court by invoking the provisions of Articles 226/227 of the Constitution of India for issuance of a writ of mandamus directing respondent Nos.1 to 3 to select and appoint him to the post of Homeopathic Medical Officer in CHC Bhattu, District Fatehabad and as well as for quashing the selection and appointment of respondent No.4 to the post of Homeopathic Medical Officer, CHC, Bhattu.

It has been submitted that an advertisement was issued inviting applications for filling up posts of Homeopathic Medical Officer under the programme AYUSH, i.e., two posts of Homeopathic Medical Officer, one

for CHC Bhattu and one for P.H.C. Pirthala and the essential qualification for filling up the aforementioned post was that the candidate should have a degree or diploma of not less than four years during the Homeopathy and the candidate should have knowledge of Hindi upto Matric and registered with the Council of Homeopathic System of Medicine, Haryana, Panchkula.

It is also submitted that the petitioner along with other candidates, including respondent No.4, has submitted his application, however, the petitioner has not been found successful in the selection process owing to the fact that he has not been given marks under the head of experience as the petitioner had attached the experience of private practice, which does not fulfill the criteria published by the Department of Health & Family Welfare.

The petitioner did not have any experience under the scheme called AYUSH, therefore, he was not granted any marks, whereas respondent No.4 had been awarded three marks. In view of the fact that the petitioner did not fulfill essential criteria, he cannot be permitted to challenge the selection as the present writ petition has been filed for seeking mandamus and not any under any other provisions of law.

In view of what has been observed above, there is no merit in the writ petition and the same is accordingly dismissed.

July 28, 2015
ramesh

(AMIT RAWAL)
JUDGE