

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 26235 of 2014(O&M)
Date of decision : 07.04.2015

Sushma Rani

..... Petitioner

versus

State of Haryana and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr. Wazir Singh , Advocate for the petitioner.

Ms.Shruti Goyal, AAG, Haryana.

Mr.Arvind Chauhan, Advocate for respondent No.6.

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?

AJAY TEWARI, J. (Oral)

Reply filed on behalf of respondent No.6. Taken on record.

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This petition has been filed challenging the appointment of respondent No.6 as Auxiliary Nurse Midwife (ANM) on the ground that in a report made by the Additional Deputy Commissioner she was found to be ineligible since she did not have one year post qualification experience. In response it is argued that as per the advertisement experience was a desirable qualification but even if the argument of learned counsel for the petitioner is to be accepted, yet only that

experience could have been counted which was in a Government/semi Government institution and the petitioner admittedly had her experience from a private institution and, therefore on that score, even the petitioner was not qualified.

In these circumstances the contentions of the petitioner are self defeating because on the anvil on which the petitioner wants to test respondent No.6 even she is not eligible. Consequently the writ petition is to be dismissed. However, learned counsel for the petitioner has pointed out that under the National Rural Health Mission similar recruitments were made in different districts and as per the advertisement issued in Kaithal district (Annexure P-12) post qualification experience of one year was stipulated as an essential qualification. Learned AAG has not been able to satisfactorily explain this anomaly as to why different criteria were used for the same post in different districts. This is a matter for respondents No. 1 and 3 to examine.

Learned counsel for the petitioner states that at this stage even if the present writ petition is to be dismissed he may be allowed liberty to challenge this irregularity and other irregularities in a PIL. In my opinion no permission would be required to file a PIL and it would be open to the petitioner or any other person to file a PIL to bring to the notice of this court any illegality which may have taken place.

Petition is dismissed with the above observations.

Since the main case has been decided, the Civil Misc.

Application, if any, also stands disposed of.

(AJAY TEWARI)
JUDGE

April 07, 2015
sunita