

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CWP No.10716 of 2009

Date of Decision:-17.12.2016

Dr. Ram Niwas Maharishi & Anr.

.....Petitioners.

Versus

State of Punjab & Ors.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. Ankit Kharbanda, Advocate for
Mr. Saurav Khurana, Advocate for Petitioners.

Mr. I.P. Goyat, Additional Advocate General, Punjab
for respondent nos.1 & 2-State.

Mr. Sanjeev Sharma, Advocate for Private respondent no.4.

JASWANT SINGH, J.(ORAL)

The two Petitioners by way of instant writ petition have laid challenge to the appointment of Dr. Harpal Singh/respondent no.4 to the post of Associate Professor in the Department of Pathology, Govt. Medical College, Patiala on the ground that he did not have experience in Pathology since he has worked as Lecturer in the Deptt of Blood Bank (now Blood Transfusion) which is distinct from Department of Pathology.

This Court vide order dated 22.07.2010 while admitting the petitioner ordered the same to be heard with CWP No.1278 of 2006 since identical issues in similar facts were involved.

It is not in dispute that the learned Single Judge of this Court

dismissed CWP No.1278 of 2006 vide judgment dated 21.12.2012 reported as **2013 (2) SCT 375 Neeraj Sharma Vs. State of Punjab** wherein it was held that the Blood Bank could not be treated as a separate specialty and was a part of the specialty of Pathology and hence the teaching experience in the specialty of Pathology gained by private respondent no.4 therein was sufficient to hold that she was eligible for appointment to the post of Assistant Professor (Blood Bank). The said judgment was taken by the unsuccessful petitioner Dr. Neeraj Sharma in LPA No.666 of 2013.

On 21.02.2014 following order was passed:-

“ Learned Counsel for the petitioners submitted that the issue raised in the present petition is that respondent no.4, who has been appointed as Associate Professor in the Department of Pathology was not eligible for the reason that he did not have experience in that Department as Lecturer as he worked in Blood Bank.

Learned Counsel for respondent no.4 while placing reliance on judgment of this Court in Dr. Neeraj Sharma vs. State of Punjab & Others 2013(2) SCT 375, submitted that the experience of working in Blood Bank and Department of Pathology was considered equal in terms of letter issued by the Government of Punjab. In the aforesaid case the issue was regarding appointment as Assistant Professor (Blood Bank).

Learned Counsel for the petitioners submitted that LPA No.666 of 2013 filed against the aforesaid judgment is pending consideration for 25.3.2014.

Adjourned to 29.04.2014. ”

It is apparent from the above that the present case was adjourned awaiting the outcome of LPA No.666 of 2013 filed against the judgment rendered in CWP No.1278 of 2006.

At the time of hearing learned Counsel for the respondents point out that vide decision dated 27.10.2016 rendered in LPA No.666 of 2013 titled as Dr. Neeraj Sharma Vs. State of Punjab and Ors, the judgment passed in CWP No.1278 of 2006 has been upheld and the issue has been decided against the present petitioner.

In view of the above, present writ petition is hereby dismissed for the reasons recorded in LPA No.666 of 2013.

(JASWANT SINGH)
JUDGE

December 17, 2016
Vinay

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No