

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

Date of decision:28/11/2016

Dr.Damini Sharma and others

.....Petitioners

VS

State of Punjab and others

.....Respondents

CORAM:- HON'BLE MR.JUSTICE JASWANT SINGH

Present:- Dr.Damini Sharma,petitioner no.1 in person.

Mz.Sudeepti Sharma,DAG Punjab

Jaswant Singh,J(Oral)

Four petitioners are working as Medical Officers in the Punjab Civil Medical Service (Class I). They possess minimum three years of teaching experience as Senior Residents after acquisition of Post Graduate Degree in Pathology.

In the present petition a challenge has been laid to the advertisement dated 11.5.2016(P-8) whereby three posts of Assistant Professors in the Pathology Department and one post of Assistant Professor in the Clinical Pathology Department are sought to be filled up by way of direct recruitment.

Case of the petitioners is that vide order dated 23.1.2014(P-3) issued by the Government, the Pathology Department and the Clinical Pathology Department stood amalgamated and the total number of sanctioned posts of Assistant Professors in the Pathology and Clinical Pathology Department stood as 12, as would be apparent from the reading of Annexure P-2. The quota for filling up the posts by way of direct

1:3 as per the statutory rules,therefore, it is asserted that not more than three posts can be advertised for filling up by way of direct recruitment vide impugned Advertisement(P-8).

Upon notice, a reply has been filed on behalf of the State. It is conceded that one post was wrongly included in the direct recruitment quota and has since been withdrawn vide order dated 30.8.2016(R-1). It is also averred that as of now one post in the promotion quota is lying vacant (upon such withdrawal) and would be filled up by holding a DPC from amongst the in-service candidates including petitioners who fall within the zone of such consideration. The reason stated for not conducting the DPC is pendency of certain writ petitions enumerated in para 4 of the Preliminary Objections.

Even at the time of hearing, learned State counsel submits that the moment such writ petitions are disposed of, the DPC in accordance with law would be held. It is further stated by learned State counsel that the petitioners, if at all are aggrieved against the conduct of DPC in accordance with previous rules or subsequently notified rules, would have a fresh cause of action.

In view of the aforesaid developments, the present writ petition thus does not require any further adjudication and hence liable to be disposed of as infructuous. Ordered accordingly.

28.11.2016
joshi

(Jaswant Singh)
Judge

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