

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

CWP No. 23066 of 2015
DATE OF DECISION : 14.09.2016

Dr. Amit Kumar Shrivastav

.... PETITIONER

Versus

Central Administrative Tribunal, Chandigarh Bench, Chandigarh and others

..... RESPONDENTS

CORAM :- HON'BLE MR. JUSTICE AJAY KUMAR MITTAL
HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: Mr. Aman Dhir, Advocate, for the petitioner.

Mr. P.K. Khindria, Advocate, for respondents No.2 to 4.

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RAMENDRA JAIN , J.

1. The Department of Oral Health Sciences of PGIMER, Chandigarh, issued a notice dated 03.08.2015, inviting applications for one post of House Surgeon for employment upto 31.12.2015 in the Oral Health Sciences Center, PGIMER, Chandigarh. In response to the same, the petitioner along with two other candidates including Ms. Tanya Anand (respondent No.5 herein) applied for the said post. Accordingly, they were called for interview on 17.08.2015. Ultimately, vide order dated 02.09.2015, respondent No.4 was selected and appointed on the post of House Surgeon (on ad-hoc basis) in the Department of Oral health Sciences at PGIMER, Chandigarh. The petitioner challenged the aforesaid order dated 02.09.2015 appointing respondent No.5 by filing Original Application (Annexure P-2) before respondent No.1, which was dismissed vide order dated 14.10.2015 (Annexure P-1).

2. Aggrieved against the said order dated 14.10.2015, the petitioner preferred the instant writ petition under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari to set aside the said order dated 14.10.2015 (Annexure P-1) passed by respondent No.1.

3. While referring to Note No.4 for the post in question in the Prospectus for July, 2015, learned counsel for the petitioner argued that respondent No.5 was not eligible for appointment to the post in question. The referred Note No.4 reads as under :-

“The candidates who have already done House Job in any Hospital or Institute are not eligible for House Job at PGIMER.”

In this regard, learned counsel submitted that respondent No.5 had already done House Job at Oral Health Sciences Centre, PGIMER, Chandigarh, in the year 2014, therefore, she was not eligible for the same post in the year 2015. Since in the notice dated 03.08.2015 inviting applications for the post in question, it was not mentioned that the post to be filled was an ad-hoc post, therefore, respondent No.1 has wrongly observed that the post in question was an ad-hoc post, therefore, the aforesaid Note No.4 will not be an obstacle in selection of private respondent.

4. Learned counsel for respondents No.2 to 4 argued that respondent No.1 has properly appreciated the matter and the impugned order does not require any interference.

5. We have given our thoughtful consideration to the arguments advanced by learned counsel for the parties and perused the impugned order

passed by respondent No.1.

6. The entire case of the petitioner revolves around the question as to whether in view of Note No.4, as quoted above, respondent No.5 was eligible for appointment to the post in question. The petitioner does not dispute the fact that vide order dated 02.09.2015, respondent No.5 has been appointed only up to 31.12.2015. Thus, she was appointed for a period of less than four months, which cannot be said to be on regular basis. In this regard, respondent No.1 has rightly observed that the term “the candidates who have already done House Job in any Hospital or Institute are not eligible for House Job at PGIMER” would cover within its sweep only such like appointments which are made on the basis of All India Competitive Examination on regular basis for a period of six months, extendable by another six months and it would not apply to cases where appointment is made only on adhoc basis, though element of selection is involved, but only on local basis and this process is adopted only to ensure that the post does not remain vacant and patients do not suffer.

7. In view of the above, we do not find any illegality or irregularity in the impugned order passed by respondent No.1 upholding the appointment of respondent No.5 to the post in question.

8. Dismissed.

(RAMENDRA JAIN)
JUDGE

September 14, 2016
ndj

(AJAY KUMAR MITTAL)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes