

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

CWP No. 5065 of 2016
Date of decision: 17.05.2016

Dr. Kanwaljit Singh Bajwa

....Petitioner(s)

Versus

State of Punjab and another

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA

Present: Mr. R.K. Malik, Sr. Advocate,
with Mr. Sandeep Verma, Advocate,
for the petitioner.

Mr. Harsimran Singh Sethi, Addl. A.G., Punjab.

G.S.SANDHAWALIA, J. (Oral)

The petitioner challenges the rejection order dated 16.03.2016 (Annexure P-9) whereby, the respondents have calculated his rural service period as 5 years, 7 months and 29 days and held him not eligible for grant of the NOC for the Post Graduate Course.

The petitioner's case is that he was appointed as a Rural Medical Officer on 16.02.2012 and thereafter, he was appointed as a Medical Officer and joined on 28.08.2012 and continued working till 21.01.2013 at CHC, Dhanaula, District Barnala. Thereafter, he worked at Sekha as Medical Officer till date. His case revolves around the fact that he had got a qualification of MBBS from a foreign university. Since the eligibility was in doubt for claiming appointment as a Medical Officer as per the advertisement issued in June, 2010, the petitioner had filed CWP No. 20449 of 2010 alongwith others whereby, he sought consideration for appointment. On account of the writ petitions being allowed in view of the

stand taken by the Medical Council of India that the diplomas possessed by the petitioner could not be said to be inferior in any manner or not equivalent to the MBBS degree, the provisional result of the petitioner was directed to be declared if he was found in the merit vide order dated 07.05.2013 (Annexure P-1). The petitioner was also to be given notional fixation of pay and allowances and also seniority. In compliance of the order of this court, vide order dated 11.08.2015 (Annexure P-2), he was given benefits from 07.03.2011 and the same was declared as a date for notional seniority.

It is accordingly argued that once the notional seniority has been given w.e.f. 07.03.2011, the period of rural service is to be counted from that date and the petitioner would be eligible.

The petitioner, as noticed, was serving as RMO from 16.02.2012 and on account of seeking notional benefit, seeks the benefit of rural service prior to the date of the working as RMO. Thus, it is apparent that the petitioner's claim, based on this argument, is on the face of it, not sustainable. The purpose of the clause is to give benefit to doctors who have actually benefitted the society by serving in the rural areas. The petitioner had only been given notional benefit for the purpose of the seniority. The said benefit cannot be extended to make him eligible for consideration from a date when he was not even serving as a RMO.

Resultantly, no fault can be found in the action of the respondents in declining the NOC and the present writ petition is accordingly dismissed.

17.05.2016
shivani

(G.S. SANDHAWALIA)
JUDGE