

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

**Review Application 445 of 2015
in Civil Writ Petition No. 14287 of 2013**

DATE OF DECISION :- February 19, 2016

Priyanka and others

...Petitioners

Versus

Union Public Service Commission and others. ...Respondents

CORAM: HON'BLE MR.JUSTICE M.JEYAPPAUL

HON'BLE MR. JUSTICE DARSHAN SINGH

Present:- Mr. A.K. Jain, Advocate for the petitioners.

Mr. Namit Kumar, Advocate for the respondents.

1. Whether Reporters of local papers may be allowed to see the judgment? Yes/No
2. To be referred to the Reporters or not? Yes/No
3. Whether the judgment should be reported in the digest? Yes/No

M.JEYAPPAUL, J.

1. The Writ Petitioners have challenged the rejection of their applications by the Union Public Service Commission on the ground that they had not fulfilled the eligibility criteria in terms of requisite experience before the learned Tribunal. The Tribunal dismissed the Original Application filed by the Writ Petitioners. Aggrieved by the above dismissal, the Writ Petitioners filed Writ Petition before this Court. After hearing both sides and advertent to the relevant

documents, we finally dismissed the Writ Petition by our detailed order dated 22.9.2015.

2. The present Review Application has been moved by the Writ Petitioners praying for review of the above order passed by this Court on the ground that no candidate was required to possess the experience in the manufacture of substances or testing thereof or inspection of drugs prior to appointment as Drug Inspector in terms of Rule 49 of the Drugs and Cosmetics Rules 1945 and the advertisement issued on 28.8.2010 for filling up the post of Drug Inspectors.

3. Learned counsel appearing for the review applicants vehemently submitted referring to Rule 49 of the Drugs and Cosmetics Rules, 1945, the Recruitment Rules, 2010 and the above advertisement issued by UPSC that experience as Drug Inspector was not at all required for applying for the post of Drug Inspector. It is his further submission that Drugs and Cosmetics Rules 1945 contemplate acquisition of such experience only during the tenure of the respective candidate as Drug Inspector after appointment. Therefore, the prescription of experience found in the advertisement is applicable to the post appointment scenario.

4. Learned counsel appearing for the respondents submitted referring to the above Recruitment Rules and the advertisement issued by the UPSC that specific experience as Drug Inspector has been prescribed for appointment as Drug Inspector in

the Central Drugs Standard Control Organization.

5. As rightly pointed out by the learned counsel appearing for the review applicants, Rule 49 of the Drugs and Cosmetics Rules 1945 lays down that the Inspectors appointed under the Drugs and Cosmetics Act, 1940 with a degree in Pharmacy or Pharmaceutical Sciences or Medicine with specialization in Clinical Pharmacology or Microbiology from a University established in India shall be authorized to inspect the manufacture of the substances mentioned in schedule 'C' only if they have completed 18 months of experience during the tenure of their service as Drugs Inspector. But Central Drugs Recruitment Control Organization (Drugs Inspectors) Recruitment Rules, 2007 speaks of not only essential educational qualification but also 18 months experience during the course of their service as Drugs Inspector. In other words, a Drug Inspector who has got the experience contemplated under the above Recruitment Rules while serving as an Inspector in State Government or any other limb of the Central Government alone shall apply with their educational qualification prescribed.

6. Drugs and Cosmetics Rules 1945 speak of the minimum experience required for inspection of the manufacturing units but the above Recruitment Rule contemplates such an experience as a necessary qualification for the applicants to apply for the post of Drug Inspectors. The advertisement given by UPSC also categorically stipulates such an experience is a pre-requisite for

applying for the post of Drug Inspector.

7. In view of the above, we are of the considered view that the advertisement has been given by UPSC for filling up the post of Drug Inspectors in the Central Government departments only with pre-requisite experience in terms of the Recruitment Rules. Therefore, we do not find any merit in the Review Application and, therefore, it stands dismissed.

(M. JEYAPPAUL)
JUDGE

(DARSHAN SINGH)
JUDGE

February 19, 2016

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