

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

CWP No. 15252 of 2013 (O&M)
Date of decision: 21.4.2017

Surinder Kaur

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Jaideep Verma, Advocate,
for the petitioner.

Mr. L.S. Virk, Additional Advocate General, Punjab.

JAISHREE THAKUR, J.

1. Challenge in the instant writ petition is to the select list dated 14.6.2013 prepared for appointment to the post of Staff Nurses as well as seeking a writ in the nature of Mandamus to be issued to the respondents to offer appointment to the petitioner to the post of Staff Nurse.

2. In brief, the facts are that the Directorate of Health and Family Welfare issued a Public Notice on 26.7.2011 inviting applications to fill up 602 posts of Staff Nurses. Three posts were reserved for the Schedule Caste (Sports) (R&O) category and the petitioner having the necessary qualifications with experience of more than 14 years applied thereto in the sports category (R&O). Being unsuccessful in the selection process, the petitioner served a legal notice raising her grievances therein. Since she was not offered appointment, the petitioner has filed the instant writ petition.

3. Mr. Jaideep Verma, learned counsel appearing on behalf of the petitioner, contends that the petitioner had submitted all the eligibility certificates regarding her academic and professional qualifications plus her Schedule Caste Certificate. However, her candidature has been rejected on account of the fact that the experience gained by her had been in the private sector. It is argued that after counselling was held, a list was uploaded on the website wherein her name was reflected with the remarks "private experience". It is argued that the petitioner having the experience of more than 14 years could not have been denied the appointment merely on the ground that she had been working in a private hospital. It is argued that the private hospital was a multi specialty hospital and thus, the experience should have been taken into consideration.

4. Per contra, Mr. L.S. Virk, learned Additional Advocate General, Punjab, appearing on behalf of the respondents, submits that the petitioner's case was considered and during counselling it was found that she did not have the requisite experience to be offered appointment. It is also contended that the sport certificate that she had produced was not in accordance with the requirement of the public notice dated 8.9.2011 as the said certificate should have been issued by the Director Sports, Department of Punjab, Chandigarh and without the same her sport achievement could not have been looked into.

5. I have heard learned counsel for the parties and have also perused the record of the case along with the additional affidavit of Dr. Dharampal, Director, Health and Family Welfare Punjab, Chandigarh.

6. The only question that arises for consideration in the instant

case is, whether the action of the respondents in ignoring the candidature of the petitioner is justified and whether she is entitled to appointment to the post of Staff Nurse under the Scheduled Caste (Sports category)?

7. Admittedly, a public notice dated 26.7.2011 was issued inviting applications for various posts including 602 posts of Staff Nurses. The qualifications, as prescribed, was that a person should possess Senior Secondary Part-II examination or its equivalent from a recognized university or institution; should possess a diploma in General Nursing and Midwifery from a recognized university or institution; and should be registered with the Punjab Nursing Registration Council established under the Punjab Nurses Registration Act, 1932. The eligibility criteria, as prescribed for appointment under the said public notice, was that sports person should produce a gradation certificate as issued by the Director Sports, Punjab. Furthermore, as per the criteria for recruitment, 80 marks were to be awarded for written test, 5 marks for rural background, 5 marks for higher qualification and 10 marks for experience gained while working in Government/NRHM. As submitted, the petitioner was not given any marks for experience on account of the fact that she had only gained experience while working in a private hospital. As per the public notice, marks for experience would be given only to those candidates who had gained experience while working in a government institution or in a National Health Rural Mission hospitals. So even though she fulfills the basic qualifications, she did not fulfill the professional qualification nor she had the experience, as required. Experience gained while working in a multi specialty hospital could not be taken into account since the requirement was

of experience gained while working in a government hospital or NRHM. No benefit for sports achievement could also be given as the said certificate was not as per gradation certificate issued by the Sports Department, Punjab. In this back ground her candidature was rightly rejected. Having obtained only 39.2 marks, she could not have been offered appointment, in the category she had applied for.

8. The petitioner has not been able to point out that any one lower in merit than her has been offered appointment. Therefore, finding no illegality in the selection process, this writ petition is dismissed being devoid of merit.

21.4.2017
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(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No