

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

Civil Writ Petition No.18572 of 2017

Date of decision: 21.08.2017

Chetna Deshwal

...Petitioner

Versus

State of Haryana and others

...Respondents

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

Present: Mr. Naveen Daryal, Advocate for the petitioner.

G.S.SANDHAWALIA, J. (Oral)

The petitioner seeks quashing of order dated 31.5.2017 (Annexure P/13) whereby the petitioner's request for consideration to the post of Pharmacist has been rejected on the ground that he does not have the requisite qualification for the said post.

Counsel for the petitioner has vehemently submitted that since the petitioner is working as Pharmacist, therefore, the order is not justifiable. It is the case of the petitioner that qualification of the petitioner is Diploma in Pharmacy (Annexure P/7). Reliance is placed upon another advertisement dated 11.2.2009 (Annexure P/10) whereby qualification for the post of Pharmacist was prescribed as Diploma in Pharmacy to submit that the petitioner has a right to be considered for the said post. However, the advertisement dated 4.10.2016 (Annexure P/1) whereby four posts of the Pharmacist for the General Category have been advertised provided following qualification for applying to the said post:-

- “(i) 10+2 with Science subjects.
- (ii) B. Pharmacy from an Institute approved by Pharmacy Council of India and All India Council for Technical Education.

- (iii) Registered as Pharmacist with Haryana State Pharmacy Council.
- (iv) Knowledge of Hindi/Sanskrit upto Matric Standard.
- (v) Preference will be given to higher qualification.

Desirable

Knowledge of basic computer applications, such as MS Word, MS Office, Excel, Internet etc. A proficiency test will be held to assess the same.”

A perusal of the above prescribed qualification would go on to show that requirement is of B. Pharmacy which admittedly the petitioner is not possessing. It has not been shown in any manner that D. Pharmacy and B. Pharmacy are equivalent and therefore, the petitioner has the essential qualification.

In view of above, the petitioner cannot seek consideration on account of her ineligibility as the employer is best person who knows what is the requirement for the post in question. Resultantly, this Court is of the opinion that no such direction can be issued to respondents to consider the case of the petitioner against the terms of advertisement dated 4.10.2016 (Annexure P/1).

Accordingly, finding no merit in the present writ petition, the same is dismissed in limine.

August 21, 2017
Pka

(G.S.SANDHAWALIA)
Judge

Whether speaking/reasoned

Yes/No

Whether reportable:

Yes/No