

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

CWP No.19089 of 2017  
Date of decision: 21.12.2017

Mahipal and ors.

.... Petitioners

VS

State of Haryana and ors.

.... Respondents

**CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH**

Present: Mr. S.K.Nehra, Advocate  
for the petitioners.

Mr. Hitesh Pandit, Addl. AG, Haryana.

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**Amol Rattan Singh, J(Oral)**

By this petition, the petitioners seek a writ of mandamus directing the respondent authorities, (i.e. the State in its Directorate of Medical Education and Research, as also three medical colleges in the State as have been made respondents, and the Pt. Bhagwat Dayal Sharma University of Health Sciences, Rohtak), to conduct a written/screening test in respect of posts to be filled up pursuant to the advertisements Annexure P-2 to P-5 (separate advertisements having been issued by the Medical Colleges and the University), and further, to not consider any candidate of the Economically Backward Persons category for the posts in question, with the reservation for that category being under challenge in a separate writ petition being heard by a Division Bench of this Court.

As regards the 6<sup>th</sup> respondent, i.e. the Pt. Bhagwat Dayal Sharma University of Health Sciences, Rohtak, vide an order dated 07.12.2017 the writ petition has already been disposed of as having been rendered infructuous, on a statement made by learned counsel for the University.

Thereafter, vide an order dated 12.12.2017 a direction was issued to the remaining respondents, specifically the Government itself, to take a positive decision as to whether a screening test should be held for the posts in question or not, for the reason especially that though two of the Government Colleges (respondents No.3 and 5) have taken a stand before this Court in their written statements that they would be conducting such a test, respondent No.4 , i.e. the Principal of the Kalpana Chawla Government Medical College, Karnal, has taken a contrary stand. It had also been noticed by this Court in the previous order that as per the noting of the Health Minister, Government of Haryana, a written test should be conducted and therefore, a contrary stand taken by one particular college was found rather strange by this Court, especially as a written test would normally be a better parameter in any selection process, of course depending upon the nature of the post etc.

In compliance of the aforesaid order, an affidavit of Smt. Hema Sharma, Additional Director, Medical Education and Research Department, Haryana, has been filed in Court today by learned State counsel, in which it has been stated that vide a notification issued on 13.12.2017, the State Government has discontinued the practice of conducting interviews for selection to Group 'C' posts and as such, the selection process in question pursuant to the aforesaid advertisements, except for the posts of Staff Nurses would be scrapped, with a fresh process issued by way of an advertisement, in which the selection would be by way of a written examination for the posts in question, of which 90 marks would be allocated for the examination itself, and 10 marks for 'socio-economic criteria' and experience.

As regards the posts of Staff Nurses, learned State counsel submits that as the selection process has already been completed, with appointment letters also having given been issued to the selected candidates

and they further having joined their posts, that selection is not being quashed.

In view of the aforesaid stand of the Government, which this Court finds very reasonable, this writ petition has been rendered infructuous.

However, learned counsel for the petitioners points out that the reservation policy in respect of Economically Backward Persons of the General Category having come under challenge, no reservation be made for that category in the new selection process.

That matter being subjudice before a Division Bench, the Government would take its decision obviously according to the directions passed by their Lordships in that petition.

21.12.2017  
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(Amol Rattan Singh)  
Judge

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| Whether speaking/non-speaking? | Yes |
| Whether reportable?            | No  |