

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP No.9321 of 2017(O&M)
Date of Decision: 06.09.2017

Kuldeep Kumar & others

--Petitioners

Versus

State of Punjab and others

--Respondents

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Hakam Singh, Advocate for the petitioners.

TEJINDER SINGH DHINDSA.J

Petitioners, who are three in number, are aggrieved of their non-selection and appointment to the post of Multipurpose Health Worker (Male).

Counsel submits that Baba Farid University of Health Sciences, Faridkot issued an advertisement/notice dated 24.11.2016 inviting applications for filling up 1263 posts of Multipurpose Health Worker (Male) in the Department of Health & Family Welfare, State of Punjab. Further submitted that the petitioners possess the requisite educational qualifications and submitted their applications within the stipulated time frame. Further urged that petitioners were even permitted to participate in a recruitment test conducted on 27.12.2016 and in the provisional result declared at Annexure P-5 all the petitioners have secured 428 marks. Precise grievance is that as per merit list of candidates selected for counseling at Annexure P-6, candidates having secured an inferior merit position and up to 420 marks, have been included but the names of the present petitioners do not find a mention in such list for counseling. The action is stated to be arbitrary and violative of Article 14 of the Constitution

of India.

Counsel for the petitioners has been heard at length.

Perusal of the notice/advertisement issued by the respondent university dated 24.11.2016 (Annexure p-2) would reveal that there was a specific condition as regards the prospective candidates to be residents of the State of Punjab. The relevant condition was coined in the following terms:-

“Applicant must be a resident of Punjab. Applicant must attach copy of his residence certificate and issued as per Punjab Govt. Instructions.”

It is the pleaded case of the petitioners themselves that they are residents of the State of Haryana. Counsel would attempt to draw mileage from a certificate placed on record at Annexure P-1 issued by the Department of Health Services and Family Welfare, State of Punjab and which would certify that petitioner no.1 had successfully completed a training course at Punjab Institute of Paramedical Sciences, Muktsar (Punjab).

Such certificate is only indicative of the petitioner having completed a training course conducted in an institute situated in the State of Punjab. This may hold true even for the other two petitioners. Be that as it may, a certificate in the nature of Annexure P-1 would not satisfy the mandate of the eligibility condition contained in the advertisement of the prospective candidates/applicants to be residents of the State of Punjab.

Contention raised by counsel that the petitioners having been permitted to participate in a recruitment process and having secured sufficiently high merit position would vest in them a right of appointment, is misconceived. Participation of the petitioners/candidates in a recruitment

test was subject to furnishing requisite documents in support of the various eligibility conditions stipulated in the advertisement at the time of counseling. In other words participation in the recruitment test was merely provisional.

Concededly, the petitioners are residents of Haryana and do not fulfill the essential eligibility conditions of being residents of the State of Punjab.

It may be noticed that even though, a prayer has been made in the instant petition to strike down the notice/advertisement dated 24.11.2016 (Annexure P-2) in so far as imposing a condition of being residents of State of Punjab, yet, such challenge was never raised by the petitioners at the threshold. Notice was issued in December, 2016 and the recruitment process is now at the final stages. Counsel himself concedes that even the process of counseling is under way. Even otherwise, apart from raising a prayer seeking the setting aside of the offending clause in the notice/advertisement dated 24.11.2016 (Annexure P-2) no arguments in support of such prayer were advanced.

In view of the above, the instant writ petition *sans* merits and is, accordingly, dismissed.

(TEJINDER SINGH DHINDSA)
JUDGE

06.09.2017

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Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No