

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

**C.O.C.P. No.2137 of 2017 (O&M)
Date of Decision: 22.01.2018**

Pardeep Singh

..... Petitioner

Versus

Dr. Rajiv Bhalla, Director,
Health and Family Welfare Department, Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Sanjiv Gupta, Advocate for the applicant/petitioner.

Mr. Manoj Bajaj, Additional Advocate General, Punjab
assisted by Mr. Chandan Preet, Junior Assistant,
Directorate of Health and Family Welfare, Punjab.

JASWANT SINGH, J. (ORAL)

The petitioner belongs to the General Category and possesses a Certificate of Matriculation and Diploma in Medical Lab Technology, a three years' Course, granted by the Punjab State Board of Technical Education and Industrial Training. The petitioner applied for appointment against the 390 posts of Medical Laboratory Technician, advertised on 26.07.2011 by the Department of Family Welfare and Health, Punjab, in view of the prescribed qualifications, provided by the statutory Regulations-The Punjab Health and Family Welfare Technical (Group 'C') Service Rules, 2007 (for short '2007 Rules'). The petitioner was considered ineligible as he did not possess the prescribed statutory qualifications of 10+2 with Science. Some of the similarly situated candidates filed writ petitions before this Court by pointing out the anomaly that within the State

of Punjab, candidates with Matriculation are considered eligible for admission and award of degree of diploma in Medical Technology three years' Course, whereas for recruitment and appointment to the post of Medical Laboratory Technician, the statutory Rules prescribed possessing of minimum qualification of 10+2.

This Court, vide judgment dated 14.11.2013 (**Annexure P-2**) permitted the selection, pursuant to the advertisement of 2011 to continue without directing the such like candidates to be considered as eligible, however, directed the State Authorities to make necessary amendment in the statutory Rules, thereby providing for an opportunity to such like candidates, who are Matriculates with Diploma of three years' Course. Consequently, the State Government, vide Notification dated 02.11.2016 promulgated the Punjab Health and Family Welfare Technical (Group 'C') Service Rules, 2016 ('2016 Rules') by providing the aforesaid qualifications as alternative qualifications for recruitment to the post of Medical Laboratory Technician, while repealing the 2007 Rules. Hence, the petitioner and all such similarly situated candidates have become eligible and also have competed for the 140 posts of Medical Laboratory Technician, advertised on 27.07.2017 (**Annexure P-6**). The selection process is underway and the petitioner has been treated as eligible.

In the contempt, it is claimed that the respondents, by not treating the petitioner as eligible for the unfilled vacancies relating to the advertisement of 2011, have committed a violation of the Court orders.

Learned State Counsel, on instructions from Mr. Chandan Preet, Junior Assistant, Directorate of Health and Family Welfare, Punjab, points

were available only for the Reserved Categories and which have been carried forward and advertised on 27.07.2017; ***secondly***, the petitioner, belonging to the General Category, had absolutely no right for selection and appointment against the aforesaid unfilled reserved vacancies and ***thirdly***, there was no direction passed by this Court for treating the petitioner and other similarly situated ineligible candidates as eligible against the 390 posts, advertised on 26.07.2011. Thus, learned State Counsel submits that the present contempt petition is totally misplaced.

In view of the aforesaid factual position, no case for initiation of contempt proceedings is made out.

Accordingly, the present contempt petition is dismissed.

Since the contempt petition stands dismissed, the pending applications, if any, shall also stand disposed of.

January 22, 2018

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**(JASWANT SINGH)
JUDGE**

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>