

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

CWP-14556-2013 (O&M)
Date of decision : 22.11.2018

Navpreet Singh

...Petitioner(s)

Versus

State of Punjab and another

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Mohinder Singh Joshi, Advocate,
for the petitioner.

Ms. Bhavna Gupta, DAG, Punjab.

JITENDRA CHAUHAN, J.

By way of the instant writ petition filed under Article 226 of the Constitution of India, for issuance of a writ in the nature of Certiorari, *inter alia*, for quashing impugned order dated 28.05.2012 (Annexure P-9), passed by respondent No.2, whereby, the representation moved by the petitioner for considering his candidature against the posts of Technical Supervisor advertised vide Annexure P-3.

The precise contention raised by learned counsel for the petitioner is that despite having studied the same subject and at higher level and through much more exhaustive syllabus in D-Pharmacy, Bachelor of Science in Clinical Microbiology and Master of Science in Clinical Microbiology, and having successfully cleared the written examination, his candidature has been rejected on hyper technical and whimsical grounds i.e. not having Biology subject at Senior Secondary level.

On the other hand, learned State counsel refers to notification dated 07.04.1993 (Annexure R-1) issued by the Department of Medical Education and Research, Government of Punjab, which provides that the minimum basic qualification for admission to the Diploma in Medical Laboratory Technician and Radiographer shall be 10+2 with Physics, Chemistry and Biology or its equivalent. The petitioner does not possess the requisite academic qualification i.e. Biology at 10+2 level, therefore, has rightly been declared ineligible for the post in question.

Heard.

The petitioner applied for the post of Technical Supervisor (contract basis) against the advertisement (Annexure P-3), which prescribed for the following essential qualification:-

- (i) Should have passed the Senior Secondary Part-II Examination in Science (Physics, Chemistry, Biology and English) or its equivalent from a recognized University or Institution. Pass marks in these subjects are essential.
- (ii) Degree of Medical Laboratory Technician from a recognized Institution/University.
- (iii) Experience of one year from a reputed institute where blood components are manufactured as Laboratory Technician.”

It is not in dispute that the petitioner did not have Biology as one of the subjects at 10+2 level.

In view of the above discussion, this Court holds that the petitioner did not possess the basic requisite qualification for selection to

the post in question.

Another aspect of the matter is that a perusal of the Result-cum-Detailed Marks Card of Semester 6, B.Sc. (MLT)-Lateral Entry reveals that that the examination was held in March, 2009. Surprisingly, the Result-cum-Detailed Marks Card of Semester 1, M.Sc. (Clinical Microbiology) also reveals that the examination was held in March, 2009. Learned counsel for the petitioner has not been able to explain as to how the petitioner appeared for B.Sc. Sixth Semester examination and M.Sc. First Semester examination in March, 2009 itself.

In view of the above discussion, the instant petition is hereby dismissed.

22.11.2018
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(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned : Yes No

Whether Reportable : Yes No