

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

1. C.W.P No. 11432 of 2016

Dr. Vipin GoyalPetitioner

versus

State of Haryana and ors. ...Respondents

2. C.W.P No. 14668 of 2016

Dr. Pawan Kumar GoelPetitioner

versus

State of Haryana and ors. ...Respondents

3. C.W.P No. 14513 of 2016

Dr. Ashok KumarPetitioner

versus

State of Haryana and ors. ...Respondents

Date of decision : 25.09.2018

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. R.S. Hooda, Advocate
for the petitioner in all the three petitions

Ms. Palika Monga, DAG Haryana

RITU BAHRI, J. (Oral)

This order shall dispose of the above three noted petitions, as common question of facts are involved in both the petitions.

In all the writ petitions, the petitioners had applied for posts of Assistant Professors /Associate Professors and had joined as such. They have also completed their period of probation and are now only seeking that they be

redesignated as an Associate Professors/Professors from the date they joined the college. They already have completed 04 years of teaching experience in the college where they were earlier employed.

The issue involved in the above writ petitions is squarely covered by the judgment passed by this Court in **CWP No. 23049-2013, decided on 04.05.2016, titled as Sangeeta Bhattacharaya v. State of Haryana and others.**

The relevant part of the judgment reads as under:-

“Now the question for consideration would be whether the services of the petitioner rendered w.e.f. 06.10.2008 to 30.09.2010 as Associate Professor in the Tearthanker Mahaveer Medical College, Mooradabad and thereafter w.e.f. 01.10.2010 to 31.01.2012 in SGT Medical College, Budhera, have been duly recommended by the MCI. The petitioner has worked in the above said two institutes as Associate Professor.

A perusal of the minutes of the meeting dated 24.10.2013 shows that the experience of the petitioner has been taken w.e.f. 01.10.2010 to 31.01.2012 at SGT Medical College Budhera, Haryana (one year and four months) as Associate Professor and from 01.07.2010 to 10.09.2012 at SHKM GMC Nalhar, Mewat. The experience of one year and four months had been taken in SGT Medical College as per the MCI regulations. At the same time, her experience from 01.02.2012 to 02.07.2013 has not been taken into consideration as there was no affiliation by the MCI. As per affidavit dated 11.12.2015, the petitioner’s case has now been recommended by taking her experience w.e.f. 01.02.2012, by the office of respondent No.3, vide letter dated 21.04.2015. The period from February 2012 till the approval was granted by MCI has now been taken as regular experience, to be given to the petitioner for the purpose of eligibility for promotion to the post of Professor. The period from 01.10.2010 to 31.01.2012 is also required to be taken into consideration as this period was considered by the Selection Committee as per interview held on 24.10.2013.

Since the petitioner fulfills all the essential qualifications prescribed as per the Minimum Qualification for Teachers in Medical Institutions Regulations, 1998 as stated above, so, the petitioner after serving as Associate Professor from 06.10.2008 till the date of interview i.e. 24.10.2013 was fully eligible for appointment to the post of Professor. She had an experience w.e.f. 06.10.2008. Hence, the experience from 06.10.2008 has to be taken into consideration for assessing the eligibility of the petitioner for the post of Professor. Moreover, in the present case, the record was produced and there is a letter dated 16.02.2016 issued by the Director General, Medical Education & Research, Haryana to The Additional Chief Secretary, Health & Medical Education Department whereby the case of the petitioner has been recommended for redesignation as Professor w.e.f. 23.11.2013. The recommendation sent by the Director General, Medical College has not been implemented while issuing the promotion order to the petitioner. She has been wrongly redesignated as Associate Professor with immediate effect, vide order dated 22.04.2016.

Further the **LPA No. 459-2017** filed against the above said judgment has also been disposed of, vide order dated 17.07.2017 wherein it has been observed as under:-

“It is not in dispute that respondent No.1 has been considered eligible and is working on the desired post. In view of the above, the issue raised in the present appeal by the appellant has been rendered redundant.

However, since we are not entering upon the merits of the controversy in view of the factual position, we would leave the question of eligibility open.

Disposed of.

Accordingly, the present writ petitions are also allowed in the same

terms, as in **Sangeeta Bhattacharaya's case (supra)**

September 25, 2018
G Arora

(RITU BAHRI)
JUDGE

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