

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

**CWP No.20545 of 2017 (O&M)**

Date of Decision:23.1.2018

Surender etc.

... Petitioners

Versus

Pandit Bhagwat Dayal Sharma University of Health Sciences  
and others

... Respondents

**CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA**

Present: Mr.M.K.Singla, Advocate for the petitioners.

Mr.Bhuwan Vats, Advocate for respondents no.1 to 4.

Mr.Sunil K.Nehra, Advocate for respondents no.5 to 14.

**RAJIV NARAIN RAINA, J. (Oral)**

1. Mr.M.K.Singla, learned counsel for the petitioners has no objection if the photocopy of the written statement filed by the respondents-University and signed by the counsel is taken on record. The original written statement was filed by Mr.Bhuwan Vats for the respondent-University in a bunch of cases which have been segregated. Therefore, the original common written statement of the University sits in CWP No.19089 of 2017 which petition has been disposed of. Accordingly, photocopy of the written statement signed by Mr.Bhuwan Vats, learned counsel for the respondents-University is taken on record and treated as the response of the university.

2. I have heard learned counsel for the parties and gone through the paper-book.

3. The petitioners have approached this Court asserting that they have a right of consideration for appointment to the posts of Radiographer

advertised by the respondents-University. The petitioners hold the two years' Diploma in Radiography and Radio-Therapy Technology earned from the respondent University. Sample of Diploma dated 19<sup>th</sup> January, 2010 of one of the petitioners is attached as Annex. P-3 with the writ petition.

4. In the public advertisement issued in June, 2016 (Annex. P-1) calling applications from eligible candidates, the essential qualification required for the post is three years' Diploma in Radiography and Therapy Technology from Pandit Bhagwat Dayal Sharma, Postgraduate Institute of Medical Sciences, Rohtak or equivalent examination passed from recognized Institute/University.

5. Mr.Singla, has vehemently argued that the word "or" in the essential qualification would mean that the two years' and three years' Diploma earned from the same University would be equivalent upto 2010 because the duration of the course was two years at that time. The University explains that there are two departments dealing with Radio activity, namely, Department of Radio-Diagnosis and the Department Radio-Therapy. The qualifications for the post of Radiographer in the two departments are distinct and separately approved as the technical knowledge/skills required for the two departments are different in view of their individual requirements. The present selection relates to appointment of Radiographers in the Radio-Diagnosis Department. This does not mean that the qualifications possessed by the petitioners are of no use to them, in view of the stand taken in paragraphs 8, 9 and 10 of the written statement which explains that the candidature of the petitioners is not ousted from the zone of consideration for the post of Radiographer since there are cadre

to be advertised on the basis of the Executive Council approved criteria for Radio-Therapy which includes two years' Diploma in addition to other qualifications as the requisite qualification for the post of Radiographer. Thus, the petitioners' qualification of two years' Diploma has not been rendered obsolete or redundant by any action of the University. The qualification possessed by the petitioners is still valid for the post of Radiographer in Radio-Therapy Department.

6. In paragraph 10 of the written statement, it has been mentioned that the higher qualification prescribed in the Radio-Diagnosis Department is as a result of a communication dated 1<sup>st</sup> August, 2011 issued by the Atomic Energy Regulatory Board's on Safety Guidelines providing that the competent authorities of the University would upgrade the educational qualifications for the post of Radiographers and the Executive Council has duly approved the said minimum qualification in respect of the two departments, namely, Radio-Therapy and Radio-Diagnosis in its meeting.

7. Apart from that, Mr.Nehra, learned counsel argues that the selection has to be in strict conformity with the advertised essential qualifications. He backs his submission with the Full Bench of this Court in *Som Dutt vs. State of Haryana and another*, 1984 (1) ILR (Punjab) 400 and also the following case law:- (i) *Vikas Sharma vs. State of Haryana and others*, 2014 (11) SCT 274; (ii) *Imranjit Singh Tiwana vs. State of Punjab and others*, 2013 (1) SLR 577; (iii) *Ashok Kumar vs. Haryana Staff Selection Commission, Haryana*, 2002 (3) SCT 572; (iv) *Rajasthan Public Service Commission vs. Kaila Kumar Paliwal and another*, 2007(3) SLR 636 and (v) *Rakesh vs. State of Haryana and others*, 2014 (5) SLR

8. On facts, Mr.Nehra points out to the fact that the requisition for filling up the vacancies was for the Department of Radio-Diagnosis. This concludes the matters. Accordingly, the apprehension of the petitioners is misplaced. Their assertion of equivalence on the word “or” is not tenable. Equivalence means an equivalent qualification to the three year diploma from another institution or university but not two year diploma.

9. In view of the above, I find no merit in this petition which is accordingly dismissed. Needless to say, the stay order stands vacated and the respondent-University is free to make appointments from the select list as per merit. The rights of the petitioners for consideration on the post of Radiographer in the department of Radio-Therapy would arise as and when those posts are advertised.

**(RAJIV NARAIN RAINA)**  
**JUDGE**

23.1.2018  
MFK

*Whether speaking/reasoned*

*Yes*

*Whether Reportable*

*No*