

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

**CWP No.25572 of 2016
Date of Decision: 31.07.2018**

Meena Kumari

...Petitioner

Vs.

Directorate Ayurveda, Yoga and Naturopathy, Unani, Siddha and
Homeopathy Haryana (AYUSH)

...Respondent

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

Present: Mr. Atul Lakhanpal, Senior Advocate with
Mr. Arjun Lakhanpal, Advocate
for the petitioners.

Ms. Shruti Jain Goyal, AAG Haryana.

RAJIV NARAIN RAINA, J. (Oral)

1. The short controversy in this petition is; whether passing Hindi as a subject in matriculation is essential pre-condition of eligibility for consideration for appointment as Homeopathic Medical Officer under the National Health Mission offered on contractual basis.

2. Learned senior counsel relies on the judgment of Division Bench of this Court in Roopa Sharma Vs. State of Punjab; 1997 (2) SCT 706 contending that the binding ratio of the aforesaid case is that if the rule making authority has not considered it necessary to incorporate the requirement of passing Matriculation examination in Punjabi language, the selection board cannot reject the candidature only on the ground of requirement of passing matriculation examination with

Punjabi as a subject. The Selection Board has to test the knowledge of Punjabi of a candidate at the time of interview to see only as to whether he possesses the knowledge of the language of matriculation standard.

3. The petitioner has passed the matriculation examination with Sanskrit. What is true for Punjabi is true for Hindi when the structure of Rule is in *pari materia* with the qualification prescribed in this case.

4. Therefore, the respondent was not right in rejecting the candidature of the petitioner on the ground that she had not passed Hindi as a subject in the matriculation examination. This settles the issue of eligibility in the present drawing strength by analogy of the decision in *Roopa Sharma* case.

5. The result in sealed cover produced in Court reveals that the petitioner's name figures in the waiting list at serial No.1 for the solitary vacancy advertised for the post of Homeopathic Medical Officer. Original record has been perused. It has been signed by 5 members of the selection committee. The same is returned back to the learned Law Officer. Copy of the same has not been retained on file since the result has not been officially declared.

6. Consequently, the present petition is allowed, the impugned order Annex.P-5 declaring the petitioner ineligible is quashed, with a direction issued to the respondents to treat the petitioner eligible for the post and declare the result of the selection. Her case for appointment

may be considered as per rules as a wait list candidate, in case selected candidate fails to join.

31.07.2018
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(RAJIV NARAIN RAINA)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No