

CWP-19333-2014
CWP-20293-2014
CWP-19010-2014

-1-

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

Date of decision : 11.02.2019

(I) CWP-19333-2014 (O&M)

Rajeb Kumar

...Petitioner(s)

Versus

State of Punjab and another

...Respondent(s)

(II) CWP-20293-2014 (O&M)

Parul Sharma

...Petitioner(s)

Versus

State of Punjab and another

...Respondent(s)

(III) CWP-19010-2014 (O&M)

Amit Kumar and others

...Petitioner(s)

Versus

State of Punjab and another

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Onkar Singh, Advocate for the petitioner(s)
in CWP-19333-2014.

Mr. Himanshu Chhabra, Advocate,
for Mr. Jaideep Verma, Advocate for the petitioner(s)
in CWP-20293-2014.

Mr. Sharad Mehra, Advocate,

for Mr. Manish Bansal, Advocate for the petitioner(s)
in CWP-19010-2014.

Mr. TPS Chawla, DAG, Punjab.

JITENDRA CHAUHAN, J.

The above noticed three writ petitions are being disposed of by this single judgment as common questions of law and facts are involved therein.

The petitioners in the above noticed writ petitions applied against advertisement issued on 26.07.2011 (Annexure P-1) for recruitment to the post of Medical Laboratory Technician Grade-II on regular basis. After scrutiny and verification of the applications, the respondent-authority issued roll numbers to all the petitioners who took the written examination and were also called for the counselling. However, in the final result uploaded on the website of the department, all the petitioners were shown declared to be 'not eligible' on the following grounds:-

CWP-19333-2014	Rajeb Kumar	● Candidate has obtained B.Sc. Degree in Medical Laboratory Technology through distance education programme. ● Candidate passed Matriculation in Punjab examination after the last date of application.
CWP-20293-2014	Parul Sharma	● Candidate passed Matriculation in Punjab examination after the last date of application.
CWP-19010-2014	Amit Kumar Anuradha Radhika Manav Hans Tej Bahadur	● Candidates did not possess the Diploma in Medical Laboratory Technology from a recognized University or Institution

The precise grouse of the petitioners is that after due scrutiny

and verification of the applications forms submitted by them, roll numbers were issued to them by the respondents. They appeared in the written examination and also participated in the counselling held for the purpose. Only thereafter, the objections as noticed above have been raised which are untenable. It is contended that a number of candidates who were not having the basic qualification viz. 10+2 with Science subjects were shown to be eligible and ultimately selected, whereas, the petitioners, who possessed all the requisite qualifications and fulfil the eligibility criteria, were declared ineligible. Furthermore, there was no conditions regarding passing of Punjabi paper at Matriculation level in the instructions (Annexure P-6). In the similar circumstances, the Department has given relaxation to newly recruited Drug Inspectors to clear Punjabi paper at Matriculation level within six months from the date of joining. The case of the petitioners is on better footing as they had cleared the examination in question during the pendency of the recruitment process.

On the other hand, learned State counsel submits that the petitioners did not possess the knowledge of Punjabi upto Matric Standard as on the last date of submission of applications i.e. 19.09.2011 and obtained the necessary qualification on 16.11.2012. Moreover, petitioner in CWP-19333-2014 obtained B.Sc. Degree in Medical Laboratory Technology through distance education mode, which is not a valid qualification in view of the guidelines issued by the Government of India (Annexure R-1). The petitioner in CWP-20293-2014, also did not possess the knowledge of Punjabi upto Matriculation Standard at the time of submission of

application. The petitioners in CWP-19010-2014 did not possess requisite qualifications from recognized University/Institution. Thus, none of the petitioners was eligible to be considered for appointment and thus, their candidature has been rejected.

Heard.

Before proceedings further, it would be apposite to refer to the condition mentioned in the advertisement (Annexure P-1) with regard to knowledge of Punjabi upto Matriculation. It reads thus:-

“Terms & Conditions:

XXXXX

Knowledge of Punjab Language : *Non person shall be appointed to any post in any service by Direct appointment unless he has passed matriculation examination with Punjabi as one of the compulsory or elective subject or any other equivalent examination in Punjab language at time of submission of application, which may be specified by the Govt. from time to time. Provided further that where a ward of Defence Service Personnel, which is a bona fide resident of Punjab State, is appointed by direct appointment, he shall have to pass an examination of Punjab language equivalent to Matriculation Standard or he shall have to qualify a test conducted by the Language Wing of the Department of Education of Punjab Govt. within a period of two years from the date of his appointment.*

A perusal of the above clause makes it amply clear that the candidate ought to passed matriculation examination with Punjabi as one of

the compulsory or elective subject or any other equivalent examination in Punjab language at time of submission of application. Admittedly, the petitioners in CWP-19333-2014 and 20293-2014 acquired such qualification subsequent to the date of submission of applications.

As regards the petitioners in CWP-19010-2014, it is to be noticed that they have obtained diploma in Medical Laboratory Technology from Christian Medical College and Hospital, Ludhiana, which is working under the aegis of Christian Medical Association of India (CMAI). The petitioners have placed reliance on verification certificate dated 01.09.2014 (Annexure P-8) to contend that the CMAI is duly recognized by the Government of Mizoram. However, a perusal of communication dated 28.11.2016 issued by the Director and Regional Officer, AICTE, North Western Regional Office, Chandigarh, clearly shows that this institute is not approved by the AICTE list of institutions conducting Diploma course in Medical Laboratory Technology in the State of Punjab. Thus, the petitioners in CWP-19010-2014 were rightly held to be ineligible.

Even otherwise, the recruiting agency at any stage of the recruitment process or even after culmination thereof, reserves the right to hold a candidate ineligible for such appointment on surfacing of any such facts/information on the basis of which it so concludes.

In view of the above discussion, the writ petitions fail and are hereby dismissed.

Photocopies of this judgment be placed on the files of the

CWP-19333-2014
CWP-20293-2014
CWP-19010-2014

connected cases.

11.02.2019
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(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned :	Yes	No
Whether Reportable :	Yes	No