

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.24901 of 2019

Date of Decision: September 09, 2019

Parveen Tyagi & others

...Petitioners

Versus

State of Haryana & others

...Respondents

CORAM: HON'BLE MR.JUSTICE AMIT RAWAL

Present: Mr. Naveen Kaushik, Advocate,
for the petitioners.

AMIT RAWAL, J. (Oral)

Grievance of the petitioners in the present writ petition is for quashing of the advertisement No.2/2019 and subsequent proceedings qua the post of Lab Technician.

Mr. Naveen Kaushik, learned counsel representing the petitioner submitted that in the year 2015, Haryana Staff Selection Commission caused an advertisement (Annexure P-1) for inviting applications for filling up various posts of Radiographer, Staff Nurse, Dental Hygienist, Sister Tutor including that of Lab Technician by fixing the qualification as 10+2 with Physics and Chemistry and one year Laboratory Technician Diploma from institution recognized by Haryana State or Matric with Laboratory Technician diploma from institution recognized by State Technical Education Board and Hindi/Sanskrit upto Matric standard or higher education. However, in 2019, vide advertisement, the qualification has been enhanced as B.Sc. in Medical Laboratory

Technology (BMLT) from a recognized Institute/University and Hindi/Sanskrit up to Matric standard. Petitioner Nos.1 and 3 were eligible and applied, but could not sit in the examination as a day before the test, notice was published on 17.08.2019 on the net of uploading the admit cards as examination was to be conducted on 18.08.2019. The aforementioned advertisement, vide Annexure P-3 qua the colleges, was cancelled. Petitioner aspirant for being appointed to Group-C post. The Commission cannot enhance the qualification debarring the persons holding the degree as in pursuance to the 2019 advertisement, had they known about this, they would have included their qualification and would be eligible in the future advertisement.

I am afraid that the aforementioned arguments would not be sustainable in the eyes of law as it is within the domain of the Haryana Staff Selection Commission to fix the essential qualifications for Lab Technician.

As regards the non-appearance of petitioner Nos.1 and 3, there cannot be any scope for interference, for, the terms and conditions of the advertisement specify all the procedures for written examination. If at all, they had not prepared for the examination, it is their own fault and the Selection Commission cannot be faulted with. No ground for interference is made out. Resultantly, the writ petition is dismissed.

September 09, 2019
ramesh

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No