

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

LPA No.2248 of 2016 (O&M)
DATE OF DECISION : 8th MARCH, 2019

Government Medical College and Hospital

.... Appellant

Versus

Jay Kumar Dwivedi and others

.... Respondents

**CORAM : HON'BLE MR. JUSTICE A. B. CHAUDHARI
HON'BLE MR. JUSTICE KULDIP SINGH**

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Present : Mr. Sanjiv Gupta, Advocate for the appellant.

Ms. Ateev Raj Sandhu, Advocate for the respondents.

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A. B. CHAUDHARI, J. (Oral)

Heard learned counsel for the rival parties.

Learned counsel for the appellant submits that out of nine respondents, four were appointed as others did not respond. He further submits that out of four, one has resigned and now there are only three Staff Nurse (Male) who have been appointed by the appellant and they were still working. He raised an issue that the Neurological Nursing Certificate obtained by them is not equivalent to the General Nursing and Midwifery (GNM) course which is *sine qua non* for the appointment in question.

Per contra, the learned counsel for the respondents has invited our attention to letter dated 08.01.2015 (Annexure P-27) a clarificatory letter from Indian Nursing Council, which is apex body in nursing course. We quote the following relevant portion from the said letter:

“Please refer to your letter dated 16th
December, 2014 on the subject noted above. It is

clarified that male candidate who passed before the implementation of revised G.N.M. syllabus (2004) and obtained Neurological Nursing certificates in lieu of midwifery course from recognized institution of Indian Nursing Council and it considered equivalent to G.N.M. course.

The candidates are registered as registered nurse and registered neurology nurse.”

It is thus clear from the above that the course already undertaken by the respondents i.e. Neurological Nurse has been found to be equivalent and to be specific in lieu of midwifery course G.N.M (General Nursing Midwifery). We therefore do not accept the contention raised by learned counsel for the appellant that they will have to also undergo separate course. We do not agree with the learned counsel for the appellant. This is also clear from the perusal of advertisement (Annexure P-11) for the special recruitment drive for Ex-Servicemen. Admittedly, respondents are Ex-Servicemen having rich experience of 20-30 years in nursing. We cannot not allow any act, defeating the reservation provided for them as shown in Annexure P-11.

To repeat, essential qualification is shown in the advertisement is as under:

“Diploma in General Nursing and Midwifery
course from a recognized Board / University /
institution or equivalent.”

The respondents do possess equivalent qualification declared by the Nursing Council.

Admittedly they possess equivalent qualification as stated earlier in terms of Annexure P-27. We, therefore, direct that the appointees shall be allowed to continue in the institution till they attain the age of superannuation. The direction shall be followed scrupulously. Nothing further remains to be done.

LPA No.2248 of 2016 is thus disposed of.

No costs.

(A. B. CHAUDHARI)
JUDGE

8TH MARCH, 2019
'raj'

(KULDIP SINGH)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>	<i>No</i>
<i>Whether Reportable:</i>	<i>Yes</i>	<i>No</i>