

305

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP- 15738-2000 (O&M)
DATE OF DECISION:-19.02.2020

DR. JASMER SINGH AND ANOTHER

.....PETITIONERS

VERSUS

STATE OF HARYANA AND OTHERS

....RESPONDENTS

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- None for the petitioners.

Mr. Hitesh Pandit, Addl.AG, Haryana.

Mr. Kanwal Goyal, Advocate
for respondent No. 6.

RITU BAHRI, J.(Oral)

In pursuance to the advertisement dated 28.07.2000 (Annexure P-6) Haryana Public Service Commission had advertised to fill up the posts of Principal, Professor, Reader and Lecturers by way of direct recruitment. The petitioners had filed writ petition challenging the said advertisement and for direction to respondents to fill up the post of Lecturer and Reader by way of promotion alone as per the Rules, 1963 which provides that 50% recruitment by way of promotion and 50% by direct recruitment.

Petitioner No. 1 was appointed as Demonstrator in the college of respondent No. 5 on 16.07.1984 on adhoc basis and petitioner No. 2 was appointed as Demonstrator on 12.11.1984. The petitioners possess a Degree in Ayurvedic System of Medicine commonly known as G.A.M.S. Degree i.e. 5 years regular degree course in Ayurveda. The service conditions are governed by Punjab Ayurvedic Department (Class III Technical) Service Rules, 1963. These

rules were adopted by the Haryana Government vide its notification dated 12.12.1975 (Annexure P-1). The post of Demonstrator was re-designated as Lecturer as per the orders passed by the Council-respondent No. 3 which is the governing body and there was no further promotional avenue from the post of Lecturer and the promotional avenue from the Lecturer was Reader and thereafter Professor. The Department has framed Rules called as the Haryana Ayurvedic Education (Group A and B), Service Rules, 1999, wherein the respondent-State has nowhere provided any channel of promotion for the persons who are already in service, the relevant rules are annexed as Annexure P-5. As per the Haryana Ayurvedic Education (Group A and B), Service Rules, 1999, the advertisement (Annexure P-6) has been issued. The grievance of the petitioner is that as per the Haryana Ayurvedic Education (Group A and B), Service Rules, 1999, they are not eligible for the post of Principal and Professor.

The writ petition was admitted on 29.10.2002 and there was no interim direction for staying the selection process. As per the reply filed by the respondents No. 1, 2 & 5, it has been clarified that the post of Demonstrator has never been re-designated as a Lecturer and the pay scale of both the posts is separate. The pay scale of Demonstrator is Rs. 6500-10500/- and the Technical Lecturer is Rs. 7500-12000/-. The post of Lecturer in Sanskrit is Class III, whereas the post of Lecturer of technical category are of Class III status and governed by a separate Class II service rules. As per Haryana Ayurvedic Education (Group A and B), Service Rules, 1999, the essential qualification for the posts of Lecturer is M.D. in concerned subject and the petitioners do not possess the required qualification of M.D. in the concerned subject and the proposal given by the Central Council of Indian Medicines, New Delhi has not been agreed by the Government of India.

Since as per the Haryana Ayurvedic Education (Group A and B), Service Rules, 1999, higher qualification has been prescribed, the applications of the petitioners have rightly been rejected for the above said selection process.

Since there was no stay on selection process and the entire selection process have been completed long back, the present writ petition is dismissed.

19th February, 2020
shabha

(RITU BAHRI)
JUDGE

Whether speaking/reasoned : *Yes/No*

Whether reportable : *Yes/No*