

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
(Sr. No. 103)

(1)

CWP No. 8692 of 2020

Date of Decision : 04.08.2020

Dr. Jaibir

....Petitioner

Versus

State of Haryana and others

.....Respondents

(2)

CWP No. 9257 of 2020

Date of Decision : 04.08.2020

Dr. Jaibir

....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. V.P. Sangwan, Advocate for the petitioner.

Mr. Deepinder Singh Nalwa,
Additional Advocate General, Haryana.

(presence marked through video conference)

Harsimran Singh Sethi, J. (Oral)

The petitions have been taken for hearing through video conference due to Covid-19 pandemic.

By this common order, two writ petitions, the details of which have been mentioned in the heading, are being disposed of.

In the present writ petitions, the prayer of the petitioner is that the competency test, as specified in Schedule II under the Pre-conception and Pre-natal Diagnostic Techniques (Prohibition of Sex Selection) Act 1994 and Pre-conception and Pre-natal Diagnostic Techniques (Prohibition of Sex Selection) Rules, 2014 as per PCPNDT Act, be conducted at the earliest and till the said competency test is conducted by the State of Haryana, petitioner should be allowed to continue to work as Sonologist.

The State of Haryana has filed a reply. Today, an affidavit has also been filed, wherein, it has been stated that the competency test, which was scheduled to be conducted on 14.06.2020, has been postponed upon the request/representation of the Sonological Society of Haryana.

Learned counsel for the petitioner has not been able to show that the petitioner is not a member of the said Society and, therefore, once the competency test scheduled to be conducted on 14.06.2020 has been postponed on the asking of the Society to which the petitioner himself belongs, no grievance regarding postponement of the competency examination scheduled for 14.06.2020, can be raised by the petitioner and the said grievance is also without any basis.

Faced with this situation, learned counsel for the petitioner submits that even without clearing the competency test, the petitioner is entitled to continue as a Sonologist keeping in view the various Instructions issued by the Government of India in this regard, duly adopted by the State of Haryana.

Be that as it may, in case the petitioner has any grievance or any claim based upon any Instructions issued by the Government of India,

duly adopted by the State of Haryana, the petitioner is at liberty to approach the respondent-State in that regard.

Learned Additional Advocate General, Haryana, who has also joined the proceedings through video conference, submits that in case, petitioner files any representation in this regard, the same will be disposed of in accordance with law expeditiously within a period of four weeks from the filing of the said representation.

Learned counsel for the petitioner submits that keeping in view the above and especially the statement of learned Additional Advocate General, Haryana, with regard to disposal of the representation in a time bound manner, petitioner does not wish to press both these writ petitions any further and the same may be disposed of as such.

Ordered accordingly.

It is made clear that in case any representation is filed by the petitioner, the same will be decided by the competent authority in accordance with law within a period of four weeks from the receipt of the same and it is further made clear that at this stage this Court expresses no opinion upon the merits of the claim raised by the petitioner in both the writ petitions or to be raised in the representation to be filed hereinafter.

Writ petitions are disposed of accordingly.

August 04, 2020
kanchan/naresh.k

(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking? Yes/No
Whether reportable? Yes/No