

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

**CM No. 4859-CWP of 2021 in/and
CWP No. 2299 of 2021 (O&M)**

Date of decision : 23.3.2021

Dr. Susmita Sharma

.... Petitioner

versus

State of Punjab and others

... Respondents

**Coram: Hon'ble Mr. Justice Jaswant Singh
Hon'ble Mr. Justice Jaspurpreet Singh Puri**

Present Mr. Bikramjit S. Patwalia, Advocate, for the applicant-
petitioner.

Ms. Anu Chatrath Kapur, Additional Advocate General, Punjab
assisted by Ms. Diya Sodhi, Assistant Advocate General,
Punjab, for respondent no. 1.

Mr. Atul Nanda, Senior Advocate assisted by
Ms. Monica Chhibber Sharma, Advocate,
for respondent nos. 2 and 3.

Service of Respondent no. 4- Medical Council of India is
incomplete as process fee was not filed.

Jaswant Singh, J. (Oral)

The main case after issuance of notice is fixed for 8.4.2021.

Petitioner – Dr. Susmita Sharma is an aspirant for recruitment
to the sole post of Professor of Obstetrics & Gynae in the Institute of Dr. B.
R. Ambedkar State Institute of Medical Sciences, Mohali – Respondent no.
2, pursuant to the advertisement dated 17.1.2021 (**Annexure P-13**), issued
by the Institute- Respondent no. 2.

Conceded position is that the said post of Professor is governed
by the Punjab Medical Education (Group-A) Service Rules, 2016, as
amended vide notification dated 8.1.2021 (**Annexure P-12**), whereby part
of the total experience is postulated to be “**from a recognised Post**

Graduate Medical College” for the post of Professor while diluting the prescribed experience for the post of Assistant Professor to **“from any recognised Medical College”** in the same Recruitment Rules, 2016.

It is urged that the Medical Council of India and other similar Institutes/ Medical Colleges have not prescribed such a condition of experience i.e. from a Post Graduate Medical College, hence, the grievance is that the petitioner, who possesses stipulated number of years of experience from a Medical College Institute instead of Post Graduate Medical College is being treated as ineligible. The action is stated to be arbitrary and discriminatory.

This Court on 10.2.2021 while issuing notice of motion had restrained the continuance of the recruitment process till further orders.

Now CM No. 4859-CWP of 2021 has been moved by the Institute – Respondent no. 2 seeking vacation of the said interim directions with permission to proceed with the recruitment process as also to place on record the decision of the competent authority to further amend the aforesaid Rules, whereby stringent provisions of experience from a **Post Graduate Medical College** is proposed to be deleted in the Recruitment Rules.

Learned Senior Counsel for Respondent nos. 2 and 3 submits that the Competent Authority of the Institute has taken a decision to first get the Rules amended in terms of the said decision and thereafter withdraw the previous advertisement and then re-advertise the said post in the light of the fresh (diluted) eligibility clause of experience to be notified. He submits that the proposed action would be completed within a reasonable time, and hence would render the present writ petition as infructuous.

In view of the aforesaid stand of the respondents, learned counsel for the applicant-petitioner concedes that nothing survives for adjudication in the writ petition, he accordingly orally prays for preponing the date of hearing of the main writ petition from **8.4.2021** to today itself and disposal of the writ petition as infructuous.

Ordered accordingly. Respondents shall be bound by their stand made through their learned counsel.

(Jaswant Singh)
Judge

23.3.2021
vs

(Jasgurpreet Singh Puri)
Judge

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