

105+215 **IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CM-17623-CWP-2021;
CM-17631-CWP-2021 and
CM-15960-CWP-2021 in/and
CWP-12496-2018 (O&M)**
Date of decision : November 30, 2021

DR. ARCHANA BHARTI

.....Petitioner

Versus

STATE OF HARYANA AND OTHERS

....Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Vijay Dahiya, Advocate for the petitioner.

Ms. Kirti Singh, DAG, Haryana.

LISA GILL, J.

CM-17623-CWP-2021

Prayer in the application is for preponement of hearing of the case
from 04.03.2022.

Notice of the application.

Ms. Kirti Singh, DAG, Haryana accepts notice on behalf of the
respondents and does not raise any objection.

At request of learned counsel for the petitioner, hearing of the
petition is preponed from 04.03.2022 for today itself.

Application is disposed of.

CM-17631-CWP-2021

Prayer in the application is for placing on record Annexures P16
and P17. Same are taken on record subject to just exceptions. Filing of certified

copies thereof is exempted.

Application is disposed of.

**CM-15960-CWP-2021 and
CWP-12496-2018**

Petitioner is aggrieved of letter memo dated 07.05.2018 whereby her claim for re-designation to the post of Associate Professor (Obstetrics and Gynecology) has been rejected on the ground that she does not fulfill the eligibility criteria of having completed four years experience at an Institute duly approved by Medical Council of India.

Learned counsel for the petitioner submits that petitioner is identically situated as the petitioners in CWP-16049-2018, 16053-2018 and 16054-2018. In fact, the present writ petition was earlier listed alongwith the said writ petition but somehow was not listed alongwith when said three writ petitions were disposed of on 01.11.2021. Petitioners in the said three writ petitions had been working at Kalpana Chawla Government Medical College, Karnal on regular basis as Assistant Professors. They had been denied re-designation as Associate Professor on the ground that the Institute was afforded approval/recognition on 29.05.2017, therefore experience gained by them prior thereto could not be counted. Stand was negated with specific reference to order dated 22.01.2020 in CWP-14808-2017. Reference was also made to order dated 20.08.2021 passed by the respondent - authorities themselves whereby similarly situated persons as the petitioners had been given benefit of service rendered by them at Institutions/Medical College/Hospital prior to approval by the Medical Council of India.

Learned counsel for the State is unable to deny that petitioner is identically situated as the petitioners in three writ petitions as mentioned above, the only difference being that petitioners therein had gained the entire required experience of four years at Kalpana Chawla Government Medical College, Karnal whereas petitioner in the present case has gained experience of 2 years, 8 months 18 days at various institutes, which is as under:-

S.No.	Name of the Institute	Period	Experience
1.	Maharaja Agrasen Medical College, Agroha, Hisar (HR.)	01.02.2012-18.08.2013	1 year 6 months 17 days
2.	Gian Sagar Medical College, Ramnagar, Patiala (Pb.)	16.07.2014-30.09.2014	2 months 14 days
3.	MMMCH, Kumarhatti, Solan (Himachal Pradesh)	01.02.2015-18.01.2016	11 months 17 days
	Total experience	2 years 8 months 18 days	

Rest of the experience of one year, three months and 12 days completing four years has been gained at Kalpana Chawla Government Medical College, Karnal.

Learned counsel for the State is unable to deny that Maharaja Agrasen Medical College, Agroha, Hisar; Gian Sagar Medical College, Ramnagar, Patiala and MMMCH, Kumarhatti, Solan, are institutes duly approved by the Medical Council of India/National Medical Commission and that benefit of service rendered by the petitioner at the said institutes has to be afforded in terms of decision dated 04.05.2016 in CWP-23049-2013 titled Sangeeta Bhattacharya versus State of Haryana and others. Experience gained by her at Kalpana Chawla Government Medical College, Karnal prior to 29.05.2017 has also to be considered while calculating the required period of

four years. Petitioner's case is squarely covered by decision dated 22.01.2020 in CWP-14808-2017 and 01.11.2021 in CWP-16049-2018.

Learned counsel for the State is further unable to deny benefit of re-designation being afforded by the State itself to similarly situated persons vide order dated 20.08.2021. There is no explanation whatsoever as to why petitioner has been singled out for not being afforded similar benefit.

Accordingly, impugned order dated 07.05.2018 (Annexure P-7) is set aside. Competent authority is directed to pass appropriate order for re-designation of the petitioner as Associate Professor, after taking into consideration the petitioner's experience at Maharaja Agrasen Medical College, Agroha, Hisar; Gian Sagar Medical College, Ramnagar, Patiala and MMMCH, Kumarhatti, Solan, as well as Kalpana Chawla Government Medical College, Karnal before 29.05.2017 as regular experience within a period of four weeks from the date of receipt of certified copy of this order.

Application as well as the writ petition stands allowed in the terms as above.

November 30, 2021

Rts

(Lisa Gill)
Judge

Whether speaking/reasoned :	Yes/No
Whether reportable :	Yes/No