

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

CWP-29580-2018(O&M)

Date of decision:18.02.2021

Dr. Dipen Patel

.....Petitioner

Versus

Union of India and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Abhishek Sethi, Advocate for the petitioner

Mr. Ashish Rawal, Advocate for respondents

ANIL KSHETARPAL, J.

Learned counsel for the petitioner submits that the petitioner does not wish to be re-employed and he only prays for the payment of the amount of salary. The petitioner also challenges the order dated 08.10.2018 directing him to refund the amount already received.

The petitioner was employed on contractual basis. The petitioner completed his course from a University in Ukraine which is claimed to be equivalent to the degree of MBBS in India. The stand of the respondents is that the petitioner has concealed this fact and was not qualified to be appointed.

In such circumstances, the appropriate remedy for the petitioner is to file a civil suit where, after leading evidence, he shall be entitled to prove his case. Hence, the petitioner is relegated to the remedy before the civil court. It shall be open to the petitioner to take all the points before the civil court and disposal of the present petition shall not be construed to be an expression of an opinion on the merits of the case.

Disposed of.

18.02.2021

rekha

Whether speaking/reasoned

Whether Reportable

Yes /No

Yes / No

**(ANIL KSHETARPAL)
JUDGE**