

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.7629 of 1996 (O&M)

Date of Order:05.05.2023

The Government College Senior Laboratory Attendants Committee

.Petitioner

Versus

State of Punjab and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Vijay Pal, Advocate, for the petitioner.
Mr. R.K.Kapoor, Addl.A.G., Punjab.

ANIL KSHETARPAL, J

1. On 24.03.2023, the following order was passed:-

“Learned counsel representing the petitioner submits that the present writ petition has been filed by an Association having 24 members who were working as Senior Laboratory Attendants, out of which 23 members have already retired on attaining the age of superannuation and only one member is due to retire in the year 2024. He submits that the Association is praying only for a direction to the respondents to consider providing atleast one avenue of promotion to the Senior Laboratory Attendants, during their entire service career.

Learned State counsel prays for some time to get complete instructions, before assisting the Court.

List on 13.04.2023, in the urgent list.”

2. The learned counsel representing the State submits that though the government has all the sympathy for the petitioner, however, it is not feasible, practicable and workable to provide a channel of promotion to the Laboratory Attendants in Government College. It has been brought to the

notice of the Court that initially the Laboratory Attendants in the Government Colleges were classified as the Class-IV post while the requisite qualification for their recruitment was a fifth grade pass-out. Subsequently, the qualification was revised to require the completion of middle school. Further, after they passed the matriculation they were awarded the grade of Senior Laboratory Attendants which is a Class-III post. It has also been brought to the notice of the Court that it is not possible to provide a channel of promotion to the post of Laboratory Attendants which is a direct recruitment post and the post of Senior Laboratory Attendants have not been created in Government Colleges.

3. While exercising power of judicial review, the writ court has a limited scope. The decision in question is in the realm of policy decision and the court is not expected to frame policy for the State. Normally the court can only examine the contents of a policy decision taken by the Government to exclude the apparent arbitrariness. Additionally, the Court interferes in the decisions where constitutional provisions have been violated. It is not the case in the matter at hand.

4. Hence, no further order is required to be passed.

5. Disposed of. accordingly.

6. All the pending miscellaneous applications, if any, are also disposed of.

May 05, 2023
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned
Whether reportable

:YES/NO
:YES/NO