

2023:PHHC:059757

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

CWP-29192-2022 (O&M)
Date of decision: 26.04.2023

Baljit Kaur and others

....Petitioners

Versus

State of Punjab and others

..Respondents

CORAM: HON'BLE MR JUSTICE ANIL KSHETARPAL

Present:- Mr.M.J.S.Bedi, Advocate for the petitioners

Mr. R.S.Pandher, Sr.DAG, Punjab

ANIL KSHETARPAL, J (Oral)

1. This writ petition has been filed by as many as 26 Staff Nurses while praying for issuance of a writ in the nature of Certiorari to quash the communication dated 01.11.2022. The petitioners, in substance, pray for a direction to the respondents to provide a separate channel of promotion, as they form a distinct group. They claim that a provision has to be made for promoting them to the post of Nursing Sister.

2. The petitioners were recruited as Auxillary Nurses Midwives/ Multipurpose Health Workers (Female). On amendment of the service rules vide notification dated 26.07.2007, a provision was made to fill up 25% posts of staff nurses by promotion. The relevant amendment in Appendix B to the Punjab Health and Family Welfare Technical (Group 'C') Service Rules, 2016 is extracted as under:-

(i) From amongst the Multi Purpose Health Workers (Female) who have an experience of working as such for minimum period of five years; and

(ii) Should possess a diploma in General Nursing and Midwifery from a recognized university or institution.”

3. As already noticed, the petitioners were designated as the Staff Nurses during 2008-2009. A provisional seniority list has been prepared while keeping the petitioners at the tail.

4. Learned counsel representing the petitioners has failed to draw the attention of the Court to any provision in the relevant service rules, which may provide for a separate channel of promotion to the promotee Staff Nurses.

5. Once the direct recruits and promotee Staff Nurses have merged into a common cadre then the petitioners, who are promotee Staff Nurses, cannot claim that there should be a separate quota for promotion to the post of Nursing Sister.

6. In view of the aforesaid facts, no ground to issue the writ, as prayed for, is made out.

7. Hence, dismissed.

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

26.04.2023

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE