IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

(223) **CWP-1366-2019**
Date of Decision : July 29, 2024

Bhinder Kaur @ Parminder Kaur and others **.. Petitioners**

Versus

State of Punjab and another **.. Respondents**

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Ms. Loveinder Kaur Brar, Advocate, for the petitioners.

Mr. Satnam Preet Singh, Deputy Advocate General, Punjab.

Mr. Anil Kumar Sharma, Advocate, for respondent No.3.

HARSIMRAN SINGH SETHI J. (ORAL)

1. In the present writ petition, the grievance being raised by the petitioners is that while undertaking the recruitment process to fill various posts under the National Health Mission Punjab, reservation which was given in favour of Asha Workers as per the notification dated 02.11.2016 (Annexure P-4), has not been given.

2. Learned counsel for the petitioners argues that the petitioners are working as Asha Workers and are entitled for consideration qua 10% of the post advertised as per the Rules governing the service.

3. Learned counsel for the respondents submits that the Rules which are being relied upon by the petitioners relates to the Multipurpose Health Worker and not the ANM (Auxiliary Nurse and Midwife), which posts were advertised, qua which the grievance is being raised hence, the claim of the petitioners is misplaced.

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4. I have heard learned counsel for the parties and have gone through the record with their able assistance.

5. The Rules which are being relied upon by the petitioners to claim the relief is Punjab Health and Family Welfare Technical (Group C) Services Rules, 2016, which were notified on 02.11.2016 (Annexure P-4). Under the said Rules, reliance is being placed for appointment to the post of Multipurpose Health Worker (Male) in order to claim 10% reservation in favour of the Asha Workers.

6. From the Advertisement dated 01.06.2018 (Annexure P-5), it is clear that no post of Multipurpose Health Worker (Male) has been advertised and only the post of Auxiliary Nurse and Midwife (ANM) has been advertised for which, there is no reservation in favour of the Asha Workers.

7. Once, the post of ANM does not envisage any reservation in favour of Asha Workers, the same cannot be claimed by placing reliance upon the Rules which does not govern the appointment to the post of ANM.

8. Keeping in view the above, no ground is made out for any interference by this Court in the present case.

9. Dismissed.

July 29, 2024 **(HARSIMRAN SINGH SETHI)**
harsha **JUDGE**

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

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