



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(249)

CWP No. 2838 of 2021 (O&M)
Date of Decision : 28.08.2024

Navdeep Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Sandeep Arora, Advocate for the petitioner.
Mr. Arun Gupta, Deputy Advocate General, Punjab.
Mr. Sahil, Advocate for
Mr. Nitin Kaushal, Advocate for respondent No. 2.
Mr. A.K. Walia, Advocate for respondent No. 4.

Harsimran Singh Sethi J. (Oral)

1. In the present petition, the challenge is to the selection made by the respondents to the post of Operation Theatre Assistant. As per the Advertisement Annexure P-2, the candidates should have passed the Senior Secondary Part-II examination in Science or its equivalent from the Recognized University or Institution to be eligible for the said post and the second requirement was that the candidate should possess diploma in Operation Theatre Technique from the Recognized University or Institution.
2. The petitioner competed for the post in question and secured 46 marks in the written examination. Thereafter, the petitioner was declared ineligible and respondent No. 4 was appointed though, he was having lesser



merit than the petitioner. The action of appointing respondent No. 4 on the post in question is under challenge in the present petition.

3. Learned counsel for the petitioner argues that once the petitioner has secured more marks than respondent No. 4, he has preferential right over and above respondent No. 4 to get selected and consequent appointment, hence, the selection of private respondent be set-aside and direction be issued to respondents to consider the claim of the petitioner for selection and appointment.

4. Learned counsel for the respondent-State submits that the petitioner is not eligible as the petitioner does not have diploma in Operation Theatre Technology from a Recognized Institution and the certificate which has been attached by the petitioner only shows that he has got a training, which is not equivalent to diploma, hence, the petitioner was ousted from the zone of consideration keeping in view the fact that the petitioner did not fulfill the requisite qualification to be considered eligible.

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

6. Once, it is not disputed that the petitioner does not have a diploma which is a requisite qualification to be treated eligible, merely on the basis of some training undergone in a particular Institution the petitioner does not become eligible. From the documents, which are being relied upon to show the eligibility, it has been duly mentioned that the petitioner has undergone 'training' for a particular period in the subject concerned, whereas as per the Advertisement, the requirement is for the diploma in Operation Theatre Technology from a Recognized University or Institution.



7. Once, the petitioner does not fulfill the requisite qualification, the petitioner cannot claim eligibility and challenge the appointment of respondent No. 4. Even if the petitioner has secured more marks in the written test but once the petitioner has failed to prove his eligibility to compete for the post in question, no grievance can be raised by the petitioner qua the appointment for the post in question.

8. No ground is made out for any interference by this Court in the present petition.

9. Dismissed.

10. Pending miscellaneous application, if any, also stands disposed of.

August 28, 2024
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No