



IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

(103)

CWP No. 15183 of 1998 (O&M)  
Date of Decision : 04.10.2024

Gurjant Singh and others

...Petitioners

Versus

The Secretary to Government, Punjab and others

...Respondents

**CORAM:** *HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI*

Present: Mr. Abhishek Kaushik, Advocate for  
Mr. Vijay Kumar Jindal, Advocate for the petitioners.  
  
Mr. Swapan Shorey, Deputy Advocate General, Punjab.

\*\*\*

**Harsimran Singh Sethi J. (Oral)**

1. In the present petition, the grievance being raised by the petitioners is that the petitioners were eligible for promotion to the post of Vaidyas (Ayurvedic Medical Officer) but they were not being promoted on the ground that they were ineligible. The prayer of the petitioners is that the petitioners fulfill the qualification as mentioned in the Punjab Ayurvedic Department (Class III Technical) Service Rule, 1963, hence, respondents be directed to consider and promote the petitioners to the post of Vaidyas with effect from the date employees junior to them were promoted.
2. Further, the reliance is being placed upon the judgment of the Co-ordinate Bench of this Court in CWP No. 819 of 1972 titled as ***Shiv Ram and others Vs. State of Punjab and others***, decided on 30.10.1981.



3. Upon notice of motion, the respondents have filed the reply, wherein, the respondents have mentioned that the qualification for promotion to the post of Vaidyas, is not being fulfilled by the petitioner as, Diploma or Degree in Ayurveda of any recognized University or Board of Indian System of Medicine established by law in India, is required whereas, the petitioners have only have Diploma in Up-Vaidya from Punjabi University, Patiala and not in Vaidya or any Diploma or Degree in Ayurvedic, hence, the petitioners are not eligible.

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

5. The Rule governing the service for promotion to the post of Vaidya is as under :-

*“Method of recruitment :*

*8.(1) All appointments to the service shall be made -*

*(a) in the case of Senior Lecturers, Junior Lecturers, Assistant Professors, Vaidyas, Hakims and Up Vaidyas, fifty per cent by promotion from amongst the members of the Service, provided the persons to be promoted possess the qualifications specified in column 4 of Appendix A and fifty per cent by direct appointment through the Commission or the Board, as the case may be:*

*(b) In the case of remaining posts either by promotion from amongst the members of the service or by direct appointment.*

*(2) All promotions, whether from one grade to another or from one class of service to another, shall be made on the basis of seniority-cum-merit and no person shall be entitled to claim promotion on the basis of seniority alone.*



(3) When any vacancy occurs or is about to occur, the Director shall determine in what manner such vacancy shall be filled in.”

| APPENDIX ‘A’ |                     |                      |                                                                                                                                                                                      |
|--------------|---------------------|----------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Sr. No.      | Designation of Post | Grade                | Qualification for recruitment                                                                                                                                                        |
| 1            | 2                   | 3                    | 4                                                                                                                                                                                    |
| 11           | Vaidya              | 80-5-120/5-135/7-170 | A diploma or degree in Ayurveda of any recognized University or Board of Indian System of Medicine established by law in India or any teaching institution recognized by Government. |
| 16           | Up-Vaidya           | 55-3-70/4-90         | Vaidya/Up-Vaidya/Vaidya Vishard/Ayurved Vishard/Vaidya Bhishak/Ayurved Bhishak or equivalent                                                                                         |

6. A bare perusal of the above Rule 8 coupled with the Appendix A would show that for promotion to the post of Vaidya, the qualification required as mentioned in Appendix A for the post is required to be fulfilled, hence, it is only in case the petitioners are having a Diploma or Degree in Ayurveda of any recognized University or Board of Indian System of Medicine established by law in India, then only they can be promoted. It is a conceded position that the petitioners only have Diploma in Up-Vaidya from Punjabi University, Patiala and do not have any Diploma or Degree in Ayurveda. Once, it is a conceded position that the petitioners do not have any Degree or Diploma in Ayurveda, henceforth, the petitioners cannot be considered eligible for promotion as Vaidya.



7. The reliance is being placed on the judgment of a Co-ordinate Bench of this Court in ***Shiv Ram and others (supra)***. It is being contended that the qualifications mentioned for recruitment to the post of Up-Vaidya is equivalent to that of the qualification mentioned in Vaidya, hence, the petitioners are to be treated eligible.

8. The petitioners are misreading the judgment of the Co-ordinate Bench of this Court in ***Shiv Ram and others (supra)***. In ***Shiv Ram and others (supra)***, all the petitioners therein had a Diploma either in Ayurveda Bhishak or Ayurveda Vishard from All India Ayurveda Vidya Peeth, New Delhi. It was under these circumstances it was held that the petitioners therein had Diploma in Ayurveda, so as to be treated as eligible.

9. In the present case, the petitioners do not have any Diploma or Degree in Ayurveda, whereas they only have Diploma in Up-Vaidya which is not the required qualification for promotion/appointment to the post of Vaidya.

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

11. Dismissed.

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

October 04, 2024  
kanchan

(HARSIMRAN SINGH SETHI)  
JUDGE

*Whether speaking/reasoned : Yes*

*Whether reportable : No*