

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

**CWP No.5903 of 2021
Date of Decision:-15.03.2021**

Gagandeep Kaur

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE GURMEET SINGH SANDHAWALIA

Present:- Mr. Ivan Singh Khosa, Advocate
for the petitioner.

GURMEET SINGH SANDHAWALIA J.(Oral)

Petitioner challenges the order dated 05.2.2021 (Annexure P-14) whereby respondent No.2 rejected her claim for consideration to the post of Pharmacy Officer. The reasoning as such by the said respondent is that the petitioner was registered as Pharmacist on 27.10.2020 by the Punjab State Pharmacy Council (Annexure P-7), which was after the cut of date i.e. 13.09.2020. Resultantly, keeping in view the terms of the advertisement dated 04.8.2020, whereby under Clause IV there was requirement of registration with the Punjab Pharmacy Council set up under the Pharmacy Act, 1948 and keeping in view clause No.8 of the advertisement that the qualification of the candidates should be prior to the last date of filling the applications, the request for appointment was rejected.

The advice of the Legal Remembrancer was also taken for coming to the said conclusion since on an earlier occasion this Court had directed that the representation of the petitioner be decided.

Learned counsel for the petitioner has vehemently submitted that as the petitioner's qualification as such as per degree was of June, 2018 (Annexure P-1) and she stood registered with the Pharmacy Council of Union Territory, Chandigarh on 04.12.2019. On account of the Covid-19 situation there was a delay as such by the Punjab Pharmacy Council to register her. Reliance has placed upon instructions dated 23.3.2020 (Annexure P-6) to submit that the requirement of in person appearance to carry out the verification process had been done away. Similarly, submission of the learned counsel was that the petitioner was meritorious student of Pharmacy as such and should be appointed. It has also been submitted that the petitioner had faced difficulty to come from Patiala to Mohali for registration.

During the course of arguments it is transpired that the petitioner had filed the application for registration certificate to Punjab Pharmacy Council on 06.10.2020 and the registration as such was done on 27.10.2020. Once the petitioner as such had applied for the said post as per advertisement 04.8.2020 and the cut of date was fixed as 13.9.2020 it was incumbent upon her and she was required to comply with all the mandatory requirements and register herself before the cut of date. Clause 8 is crystal clear that the qualification of the candidate should be prior to the last date of filling the application and thus the petitioner not being eligible, cannot claim any benefit on account of her own fault not being registered with the

Punjab Pharmacy Council as per the terms and conditions of the advertisement. The petitioner is not an illiterate person who was not aware of the intricacies and sacrosanctity of the cut of date. In such circumstances no fault can be found in the well reasoned order passed, which would require interference.

The petition stands dismissed.

March 15, 2021
Vijay Asija

(GURMEET SINGH SANDHAWALIA)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No