

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

121

CWP-8659-2024
Date of Decision :19.04.2024

Monika ...Petitioner

Versus

State of Haryana and others ...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Jasbir Mor, Advocate for the petitioner.

Mr. Harish Nain, AAG, Haryana.
(keeping in view advance copy served).

Mr. Kanwal Goyal, Advocate for respondent-HPSC.
(keeping in view advance copy served).

* * *

Harsimran Singh Sethi, J. (Oral)

1. In the present petition, petitioner is challenging the order dated 15.04.2024 (Annexure P-17 and P-18) by which, the claim of the petitioner for selection to the post of Medical Officer, Group-A in ESI Health Care, Haryana as advertised by the respondents vide advertisement No.1/2023 dated 06.01.2023 (Annexure P/1) has been rejected on the ground that she is not eligible as per the terms and conditions mentioned in the advertisement.
2. Learned counsel for the petitioner submits that as per the essential qualifications prescribed in the advertisement (Annexure P/1), a candidate, who is graduate in Medicine and Surgery from a recognized University or any other university or institution recognized by the Medical Council of India is to be treated eligible for the post in question. Learned

counsel for the petitioner further submits that though, academically petitioner had cleared her last semester examination of MBBS prior to the last date of submission of application form but only her internship was completed after the last date of submission of application form hence, she should be treated eligible for the post in question.

3. Keeping in view the advance copy served, Mr. Kanwal Goyal, Advocate appears on behalf of the respondent-HPSC and submits that as per the advertisement dated 06.01.2023 (Annexure P/1) required essential qualifications for the post in question are that a candidate should be graduate in Medicine and Surgery from a recognized university and degree of medicine and surgery only completes, if, after the academic, the candidate completes his/her internship successfully and thereafter, registers himself/herself as Medical Practitioner with the Medical Council of India or any other State Medical Council, which is in consonance with the notification issued by the National Medical Commission, New Delhi dated 18.11.2021. Learned counsel for the respondent-HPSC further submits that in the present case, it is a conceded position that internship was not completed by the petitioner up to the last date of submission of application form, which was 06.02.2023 hence, she cannot be treated eligible for the post in question.

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

5. Even if, the petitioner had completed her academics prior to the date of submission of the application form but she cannot be treated graduate in Medicine and Surgery unless and until she completes her mandatory internship, which is for a period of one year. It is a conceded

position that internship which the petitioner was required to undergo to obtain the degree in medicine and surgery, the said internship was completed after the last date of the submission of application form for the post in question by the petitioner hence, upto the last date of submission of application form which was 06.02.2023, the petitioner did not had bachelor's degree in medicine and surgery with her so as to be eligible for the post in question. Merely that petitioner had completed her academics, does not mean that she is graduate in medicine and surgery.

6. Even otherwise, after graduation, a candidate is required to register himself/herself as medical practitioner with the Medical council of India, which can only be done after completion of undergraduate medical education degree. Provisional registration is only for the purpose of internship, which is not valid for seeking appointment hence, the petitioner cannot claim herself to be a MBBS doctor on the last date of application.

7. Keeping in view the facts and circumstances recorded hereinbefore, no ground for interference is made out by this Court and the present petition is accordingly dismissed.

April 19, 2024
aarti

(HARSIMRAN SINGH SETHI)
JUDGE

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