

CM-19321-CWP-2024 in/&
CWP-21860-2021 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

107+264

CM-19321-CWP-2024 in/&
CWP-21860-2021 (O&M)
Date of Decision :04.12.2024

Hardeep Singh Gill

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Jagdeep Jaswal, Advocate for the petitioner.

Mr. Swapan Shorey, DAG, Punjab.

* * *

Harsimran Singh Sethi, J. (Oral)

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As prayed for, application is allowed.

Rejoinder to the written statement filed on behalf of the respondents is taken on record.

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In the present petition, the grievance being raised by the petitioner is that the claim of the petitioner for appointment to the post of Medical Laboratory Technician Grade-II as advertised by the respondents vide advertisement dated 04.08.2020 (Annexure P/1) has not been considered in the manner required.

Learned counsel for the petitioner submits that the prescription in the advertisement that Clause-21 mandates the experience should be from



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reputed hospital/institution, which should have well equipped laboratory and a full time Pathologist/Microbiologist and at least 20 medical tests of different types to be done daily, is arbitrary and illegal and hence, the petitioner should be treated eligible for appointment to the post of Medical Laboratory Technician Grade-II keeping in view the experience certificate already given by the petitioner.

Upon notice of motion, the respondents have filed reply wherein, it has been stated that the petitioner has given the experience certificate which has been verified by the Civil Surgeon and it has been found that the said experience certificate is not in accordance with Clause 21 of the advertisement hence, the claim of the petitioner for appointment to the post in question has rightly been rejected.

Learned counsel for the petitioner submits that the petitioner is also challenging Clause-21 of the advertisement.

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

It may be noticed that the incumbent who is selected on the post has the job of conducting medical tests, which requires adequate experience of conducting the medical test. The treatment of patients depends upon the report which is given by the Medical Laboratory Technician. In case, the tests are not done properly by such person, appropriate treatment needed by the patient cannot be given to him/her. In order to maintain a high standard required in the profession and qua the appointment to the post of Medical Laboratory Technicians, the respondents have put in Clause-21 in the advertisement, which is as under:-



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21. For the posts of Medical Laboratory Technician Grade-2 (Regarding experience required for eligibility):- Experience of only those reputed hospitals/institutions will be considered, which fulfil the following conditions:-

- i) Hospitals/institutions having well equipped laboratory.
- ii) Hospitals/institutions having full time Pathologist/Microbiologist
- iii) Hospitals/Institutions in which minimum 20 tests of different type are done daily.
- iv) Proof of salary received and attendance also to be submitted.

A bare perusal of the said requirement only shows that there should be a well equipped laboratory where the candidates should have worked and at least 20 medical tests of different types are done daily so that it could be seen that incumbent who is seeking appointment is well trained and knows his job and can perform the duties of the post so as to help the patients.

Nothing has been shown as to why, the requirements of Clause-21 of the advertisement are bad or arbitrary or illegal or are not consistent with the requirements to be possessed by a candidate, who is competing for the post in question. In the absence of any valid reason given either in the pleadings or during the argument by the learned counsel for the petitioner, challenge to Clause-21 of the advertisement cannot be sustained and the same is accordingly rejected.

With regard to the claim of the petitioner that he had submitted an experience certificate, the same has already been verified by the Civil Surgeon and it has been reported that the same does not conform to the Clause No.21 of the advertisement. Nothing has been shown by the

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petitioner that the report of the Civil Surgeon is arbitrary, illegal or contrary
or factually incorrect.

Keeping in view the facts and circumstances recorded
hereinbefore, present petition is dismissed.

Civil miscellaneous application pending, if any is also disposed
of.

December 04, 2024 (HARSIMRAN SINGH SETHI)
aarti JUDGE

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