



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

215

CWP-3487-2018 (O&M)
Decided on :07.05.2024

DEEPAK KUMAR

. .petitioner

Versus

STATE OF HARYANA AND OTHERS

. . . Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

PRESENT: Mr. Rakesh Sobti, Advocate for the petitioner.

Ms. Vibha Tewari, AAG, Haryana.

HARSIMRAN SINGH SETHI , J. (Oral)

1. In the present petition, the grievance being raised by the petitioner is that the petitioner competed for the post of Pharmacists as advertised vide advertisement No. 1/2015 dated 19.06.2015 (Annexure P-3). As per the advertisement, in order to become eligible for the post in question, a candidate should be 10+2 with Science (physics and chemistry) and should have done pharmacists course diploma from the Medical College, Rohtak or any other recognized institutions recognized by the Haryana Government with training in injections, dressing and ward work in recognized Hospital and he/she should have registered himself/herself with Haryana Pharmacy Council.



As the petitioner fulfilled all the essential qualifications as advertised by the respondents (Annexure P-3), the petitioner submitted an application form for the post in question prior to the last date of submission of application form for the post in question which was 31.07.2015. The petitioner attached his registration certificate from Haryana Pharmacy Council with the application form for the post in question, which was valid upto December 2015.

The selection for the post in question was not made and by a corrigendum issued by the respondents, the last date of submission of application form for the post in question was extended upto 15.11.2016.

In pursuance to the advertisement No. 1/2015 dated 19.06.2015 (Annexure P-3), the petitioner competed for the post in question and cleared the written examination and was also called for scrutiny of documents and in the scrutiny of the documents, the respondents mentioned that the registration certificate of the petitioner with Haryana Pharmacy Council was valid upto 31.12.2015, whereas last date of submission of application form for the post in question was 15.11.2016, hence, the petitioner was not eligible to compete for the said post as the validity of the registration certificate with the Haryana Pharmacy Council had expired before the last date of submission of application form for the post in question. The said action of the respondents is under challenge in the present petition.

Learned counsel for the petitioner submits that once, when the advertisement for the post in question was issued by the respondents vide advertisement No. 1/2015 dated 19.06.2015 (Annexure P-3), the last date of submission of the application form was 31.07.2015 and in pursuance to which, the petitioner has applied for the post in question and had submitted his valid registration certificate with Haryana Pharmacy Council, merely, that



respondents extended the last date of submission of the application form upto 15.11.2016, the petitioner cannot be declared ineligible for the post in question.

Learned counsel for the petitioner further submits that even otherwise, after expiry of the validity of the registration certificate with Haryana Pharmacy Council which was valid upto 31.12.2015, the said certificate had already been renewed upto 31.12.2020, hence, the respondents has wrongly treated the petitioner ineligible to compete for the post in question.

Learned counsel for the respondents on the other hand submits that the last date of submission of the application form was extended, it was the duty of the petitioner to supply the renewed registration certificate with Haryana Pharmacy Council and in the absence of any renewed registration certificate on record, the petitioner has rightly been treated ineligible for the post in question.

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

It is a conceded position that when the advertisement for the post in question was issued by the respondents, the last date envisaged for submission of the application form was 31.07.2015, the eligibility was to be seen upto the last date of submission of the application form for the post in question and the documents were to be attached with the application form according to the said last date i.e. 31.07.2015 and it is also a conceded position that the petitioner had submitted all his documents prior in time.

As per the documents attached with the application form for the post in question, the petitioner was eligible in all respect and he fulfill all the requisite qualification including the registration with Haryana Pharmacy



Council. It was the respondents who extended the last date of submission of the application form for the post in question which was upto 15.11.2016. In case, there was any doubt, the respondents should have asked as to whether the petitioner has renewed his registration with Haryana Pharmacy Council or not and in case, the said question has been put to the petitioner, the petitioner would have presented his renewed documents which was valid upto 31.12.2020. The said renewed registration certificate with Haryana Pharmacy Council though produced on the date of scrutiny of the documents was not taken into consideration so as to oust the petitioner from the zone of consideration for the post in question.

The action of the respondents in treating him ineligible is totally arbitrary and illegal. Once, the last date of submission of the application form for the post in question was 31.07.2015, the eligibility is to be seen upto the said date i.e. 31.07.2015 keeping in view the circumstances of the candidates who had submitted their application form for the post in question upto the said date i.e. 31.07.2015.

Even otherwise, once the renewed document was produced during the scrutiny of the documents, the said documents should have been taken into consideration by the respondents. It is the case where the petitioner was eligible upto the last date of submission of the application form for the post in question i.e. 31.07.2015 and even upto the date when the scrutiny of the documents was done, the petitioner fulfilled all the requisite conditions as envisaged under the advertisement for the post in question, hence, the petitioner was wrongly treated as ineligible for the post in question.

The respondents are directed to treat the petitioner eligible for the post in question and consider his claim. The last selected candidate was impleaded as party to the present petition but was declared ex parte by the



Co-Ordinate Bench of this Court. In case the petitioner comes under the merit list then due actions be taken by the respondents to consider the claim of the petitioner of appointment on the post in question. In case, the petitioner is found eligible for appointment, the appointment be given to him from the date the candidate less meritorious has been given appointment so that the petitioner does not suffer any prejudice. The petitioner be also given seniority alongwith his batch in case he is found eligible for appointment to the post in question.. As the petitioner has not been working, the petitioner will only be given the notional benefits till the date of appointment.

The present petition is allowed in above terms.

Pending civil miscellaneous application, if any, stands disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

07.05.2024

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Whether speaking/reasoned: *Yes/No*

Whether Reportable: *Yes/No*