

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

248

CWP-24030-2021 (O&M)

Decided on :30.04.2024

NEELAM RANI

. .petitioner .

Versus

STATE OF HARYANA AND ORS.

. . . Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

PRESENT: Mr. J. S. Saneta, Advocate for the petitioner.

HARSIMRAN SINGH SETHI, J. (Oral)

1. In the present petition, the challenge is to the non-selection of the petitioner on the post of Staff Nurse, as advertised by the respondents-commission vide advertisement No. 15/2019 dated 07.09.2019 (Annexure P-1). As per the advertisement, 1584 posts of Staff Nurse were advertised with the following essential qualification.

“i) B.Sc (Hons) Nursing or B.Sc(Post Basic) Nursing;

or

*Diploma in General Nursing with Midwife Training from
a recognised institute/University;*

*ii) A division Nurse (with midwife training) registered
with Haryana Nurses Registration Council;*

*iii) Hindi/Sanskrit as one of the subject in
Matriculation or higher. ”*

2. A bare perusal of the above reproduction would show that the candidate should be B. Sc (Hons) Nursing or B. Sc (post Basic) Nursing or should have diploma in general Nursing with Midwife training from a recognized institute/university and should be a division nurse (with midwife

training) duly registered with Haryana Nurses Registration Council.

3. The petitioner though applied for the post in question, but upto the last date of submission of application form, the petitioner was not registered with Haryana Nurses Registration Council. Keeping in view the said fact, the claim of the petitioner has been rejected as an ineligible candidate to compete for the post in question, which action of the respondents is under challenge in the present petition.

4. Learned counsel for the petitioner argues that once, immediately after the last date of submission of the application form, the petitioner got registered with Haryana Nursing Registration Council, the petitioner should be treated eligible to compete for the post in question.

5. Learned counsel for the respondents on the other hand submits that as per the own averment of the petitioner, the petitioner got diploma in general nursing with midwife training in the year 2019 but did not get herself registered with Haryana Nurses Registration Council immediately and as per the advertisement dated 07.09.2019 (Annexure P-1), the last date of submission of the application form is sacrosanct and the candidates having the essential qualification till the last date of submission of the application form are to be treated as eligible to compete for the post in question and not otherwise and hence, as the petitioner did not have the requisite qualification needed for appointment on the post in question, the petitioner has rightly been declared ineligible for the said post.

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

7. It is a settled principle of law that terms and conditions of advertisement are sacrosanct and are to be applied on each and every candidate, who are competing for the post in question.

8. In the present case, the claim being raised by the petitioner is that she did not had the registration with Haryana Nursing Registration Council on the last date of submission of application form for the post in question but as before the conclusion of the selection process for the post in question, the said qualification had been obtained by the petitioner, the petitioner should be treated eligible.

9. As per the advertisement dated 07.09.2019 (Annexure P-1_, the terms and conditions with regard to the essential qualification, Note 8 of the advertisement is as under:-

“Qualifications and other terms and conditions of eligibility will be determined with regard to the last date fixed for receipt of online applications also termed as closing date.”

10. Hence, to become eligible to compete for the post in question, the petitioner was required to have essential qualification on the last date of submission of the application form and as the petitioner has not got herself registered with the Haryana Nursing Registration Council upto the last date of submission of the application form for the post in question, which is a conceded fact, the petitioner does not fulfill the essential qualification as required to compete for the post in question upto the last date of submission of the application form, hence, no ground is made out for interference in the present petition, hence the same stands **dismissed**.

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

30.04.2024

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Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No

(HARSIMRAN SINGH SETHI)
JUDGE