

**CWP-18889-2016 & CWP-5646-2024 (O&M)****-1-****IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****204 (2 cases)****CWP-18889-2016****Date of Decision: 07.01.2025****Ram Pal Singh****...Petitioner****Versus****State of Haryana and others****...Respondents****And****CWP-5646-2024 (O&M)****Ram Pal Singh****...Petitioner****Versus****State of Haryana and others****...Respondents****CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL****Present: - Mr. Shivam Malik, Advocate for the petitioner****Mr. Praveen Chander Goyal,
Additional Advocate General, Haryana****Mr. A.S. Virk, Advocate
for respondent No.5-Kurukshetra University****Mr. Manish Verma, Advocate
for Mr. J.S. Lalli, Advocate
for respondent Nos.6-I.K. Gujral Punjab Technical University***********JAGMOHAN BANSAL, J. (Oral)**

1. As common issues are involved in the captioned petitions, with the consent of all parties, the same are hereby disposed of by this common order. For the sake of brevity and convenience, facts are borrowed from *CWP-18889-2016*.

2. The petitioner through instant petition under Article 226 of the Constitution of India is seeking setting aside of order dated 27.01.2016



and his claim for promotion to the promotional post of Senior Scientific Assistant (Serology) has been rejected.

3. The petitioner joined office of Director, Forensic Science Laboratory, Madhuban as Scientific Assistant (Serology) on 01.07.2013. The qualification prescribed for the said post as per the Haryana Forensic Science (Group C Scientific Staff) Service Rules, 1979 was as below : -

“M.Sc. in Biochemistry, Zoology, Microbiology, Anthropology (Physical) or equivalent.

OR

(i) B.Sc. 2nd Division in Zoology, Botany and Chemistry Group or B.Sc. (Hons) in Biochemistry or Zoology or Microbiology or Anthropology (Physical).

(ii) Two Years experience in a scientific laboratory.”

4. The petitioner was not considered for the promotional post of Senior Scientific Assistant (Serology) on the ground that he was not holding degree of M.Sc. in any of the branches as prescribed in the Rules. He is holding degree of M.Sc. [Medical Lab Technology (‘MLT’)] which as per communication from Kurukshetra University is not equivalent to M.Sc. in Biochemistry/Zoology/Microbiology/Human Biology/Forensic Science, Anthropology (physical). The respondent has passed order dated 27.01.2016 whereby petitioner has been considered junior to Smt. Saroj Bala. The petitioner is further claiming that Smt. Saroj Bala has wrongly been considered senior to him.

5. The qualification prescribed for the post of Senior Scientific Assistant (Serology) under the Haryana Forensic Science (Group C Scientific Staff) Service Rules, 1995 is as below:-

“(i) B.Sc. at least 2nd Division in Medical Group.



(ii) *Four Years experience as Scientific Assistant.*

OR

(i) *M.Sc. at least 2nd Division in any one of the subjects i.e. Biochemistry, Zoology, Microbiology, Human Biology, Forensic Science, Anthropology (Physical) or its equivalent degree.*

(ii) *One Year experience as Scientific Assistant.”*

6. From the conjoint reading of qualification prescribed for the post of Scientific Assistant (Serology) and Senior Scientific Assistant (Serology), it is evident that a person holding degree of M.Sc. in Biochemistry/Geology/Microbiology/Anthropology or equivalent is eligible for the post of Scientific Assistant (Serology) as well as Senior Scientific Assistant (Serology). The petitioner at the time of appointment as Scientific Assistant (Serology) was possessing degree of M.Sc. (MLT). The respondent considered said degree equivalent to M.Sc. in Biochemistry/Zoology/Microbiology/Anthropology and appointed him on the post of Scientific Assistant (Serology).

7. On being confronted with the qualifications prescribed for the post of Scientific Assistant (Serology) and Senior Scientific Assistant (Serology), learned counsel for the respondent could not point out any difference between qualifications prescribed for both the posts especially with respect to persons possessing degree of M.Sc.

8. From the perusal of qualifications prescribed for Scientific Assistant (Serology) and Senior Scientific Assistant (Serology), it is evident that any person holding degree in Biochemistry/Zoology/Microbiology/Anthropology is entitled for the post of Scientific Assistant (Serology) as well as Senior Scientific Assistant

(Serology). It is further apt to mention here that while prescribing



qualification for the post of Senior Scientific Assistant (Serology), the respondent has approved M.Sc. in Human Biology and M.Sc. in Forensic Science apart from other branches of M.Sc.

9. The petitioner concededly is having degree of M.Sc. in MLT. The said degree was considered equivalent to other branches of M.Sc. while making appointment as Scientific Assistant (Serology). There was no reason to hold on the part of respondent that M.Sc. in MLT is not equivalent to M.Sc. in Biochemistry/Zoology/Microbiology/Anthropology for promotional post.

10. In the wake of above discussion and findings, this Court is of the considered opinion that present petitions deserve to be allowed and accordingly allowed. The respondent No.2 is hereby directed to reconsider claim of petitioner for the promotional post as well as other benefits.

(JAGMOHAN BANSAL)
JUDGE

07.01.2025

Mohit Kumar

Whether speaking/reasoned	Yes
Whether reportable	Yes