



**CWP-19352-2016 (O&M) -1-
and other connected case**

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**203 CWP-19352-2016 (O&M)
Date of Decision: 13.02.2025**

1. CWP-19352-2016 (O&M)

Ram Bhaj and others **..... Petitioners**

Versus

State of Haryana and others **..... Respondents**

2. CWP No.4672 of 2021 (O&M)

Hari Dutt and others **..... Petitioners**

Versus

State of Haryana and another **..... Respondents**

**CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA
HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA**

Present: Mr. N.K. Sharma, Advocate
for the petitioners (in both petitions).

Mr. Vivek Chauhan, Addl. A.G., Haryana.

Mr. Amit Rao, Advocate
for respondent No.2 (in CWP-19352-2016).

SANJEEV PRAKASH SHARMA, J (ORAL)

1. Vide this common order, two petitions bearing CWP-19352-2016 and CWP-4672-2021, are being disposed of, as the same question of law is involved in both the petitions.

2. The challenge in the present writ petitions is to the qualification laid down for promotion in Appendix-B to the Haryana Health Department



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Laboratory Technician (Group-C) Service Rules, 1998 with prescribed qualifications for promotion for the post of Laboratory Attendant to Laboratory Technician as under 5 years experience as Laboratory Attendant having a Laboratory Technician Diploma from a recognized institution.

3. Learned counsel for the petitioners submits that the requirement of Laboratory Technician Diploma from recognized institution is illegal, arbitrary and unjustified and it seeks to close the entire avenue for promotion of Laboratory Attendant even to those who have five years or more experience as Laboratory Attendant.

4. Learned counsel for the petitioners further submits that so far as Laboratory Attendants working in the All India Institute of Medical Sciences are concerned, they are granted avenue of promotions to the post of Laboratory Technician on completion of 10 years of experience as Laboratory Attendant. A similar provision, therefore, ought to have been incorporated in the Haryana Health Department Laboratory Technician (Group-C) Service Rules, 1998 as there should be at least one avenue of promotion available to the Laboratory Attendant.

5. We have considered the submissions and have carefully perused the Rules.

6. It is not that there is no channel of promotion available to Laboratory Attendant. What is required is that they must acquire a qualification of Laboratory Technician Diploma from a recognized institution before they are considered for promotion.



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7. We find that the post of Laboratory Technician is a specialized skilled post where the Laboratory Technicians have to perform their duties in addition to conduct X-ray tests of various kinds. Acquiring knowledge of testing of various illness, identification of different blood types, virus, bacteria etc., is a necessary requirement.

8. As on today, blood tests and laboratory tests are the entire basis of diagnosis. A small mistake in a report by the lab may result into a dangerous situation. Calculating the various levels of sugar, thyroid and minerals like potassium, phosphorus, sodium, iron, etc. needs specialized studies. Such studies are imparted for the purpose of obtaining Diploma in Lab Technician. A Lab Attendant is an assistant. He may be serving for years together in the Lab but cannot be said to have acquired the knowledge of a Lab Technician.

9. That apart with the advancement of medical study, there may be many other avenues where the Laboratory Technicians requirement are necessitated like in the X-ray, or for sonography or for MRI etc. Thus, the training and education incorporated while granting diploma of Laboratory Technician is a necessary requirement.

10. Although we may not be treated as experts in the field, we presume that the law making authorities have incorporated the said qualification both for direct recruitment as well as also for promotion after due deliberation. It is not the case of the petitioners that they are prevented from acquiring such qualification. The State Government allows granting of study leave also for this purpose. Of course, we may observe that the State



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can devise the method of providing such avenues for acquiring diploma to its own employees who are holding the post of Laboratory Attendant but in absence of such avenue, we cannot say that the Rule is bad in law. The Rule has a nexus to the purpose sought to be achieved, therefore, it cannot be said to be *ultra vires*.

8. In view thereto, the entire basis of challenge is found to be misconceived and we do not find any reason to interfere in the present petitions and accordingly, both the petitions are dismissed.

9. The pending misc. application(s), if any, shall stand disposed of.

**(SANJEEV PRAKASH SHARMA)
JUDGE**

**(MEENAKSHI I. MEHTA)
JUDGE**

13.02.2025
D.Bansal

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