

2026:PHHC:023073



238 (4 cases)
IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-7271-2022
DECIDED ON:12.01.2026

PARVEEN AND ANR.
.....PETITIONERS
VERSUS
STATE OF HARYANA AND OTHERS
.....RESPONDENTS

CWP-17819-2022

NEHA
.....PETITIONER
VERSUS
STATE OF HARYANA AND OTHERS
.....RESPONDENTS

CWP-29993-2022

DHARMENDER
.....PETITIONER
VERSUS
STATE OF HARYANA AND ANOTHER
.....RESPONDENTS

CWP-5806-2023

DHARMINDER SINGH
.....PETITIONER
VERSUS
STATE OF HARYANA AND OTHERS
.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Sunil Nehra, Sr. Advocate with
Mr. Karan Ranjha, Advocate
Mr. R.S. Dhull, Advocate
Mr. Jasbir Mor, Advocate
for the petitioner(s)

Mr. Rahul Dev, Addl. AG. Haryana

SANDEEP MOUDGIL, J

1. By this common order, this Court intends to dispose off all the above-said petitions as common question of law is involved therein. Just to avoid repetition, the facts are being taken from CWP-7271-2022.

2. The jurisdiction of this Court has been invoked under Articles 226/227 of the Constitution of India seeking issuance of a writ in the nature of certiorari for quashing the result dated 05.02.2022 (Annexure P-3).

3. It is contended on behalf of the petitioners that respondents No. 3 to 5 have been selected against the general category seats despite being ineligible for the post of Dental Hygienist as they possess the degree of Bachelor of Dental Surgery (BDS). The petitioners have further sought a direction to convert the post reserved under the EWS category to the general category and to recommend the name of the petitioners against the said post.

4. To cull up the facts, it would be apposite to note that an advertisement bearing No. 15 of 2019 dated 07.09.2019 (Annexure P-1) was issued for recruitment to the post of Dental Hygienist (Category No. 2). The essential qualifications prescribed for the said post were as follows:

Matriculation with Science from a recognized Board/University;

Dental Hygienist Course from an institute recognized by the Dental

Council of India;

Hindi/Sanskrit as one of the subjects in Matriculation or at a higher level.

5. The petitioners, claiming themselves to be fully eligible, applied pursuant to the said advertisement and participated in the written examination. Upon declaration of the written examination result, they were called for scrutiny of documents vide notice dated 11.08.2021 (Annexure P-2). However, the final result declared on 05.02.2022 (Annexure P-3) reflected the selection of private respondents No. 3 to 5, who are alleged to be ineligible, thereby adversely affecting the legitimate rights of the petitioners who, otherwise, deserved selection.

6. It is the specific case of the petitioners that the private respondents do not possess the mandatory qualification of a Dental Hygienist Certificate as prescribed in the advertisement (Annexure P-1). Instead, they hold a Bachelor of Dental Surgery (BDS) degree, which does not fall within the ambit of the essential qualifications stipulated for the post of Dental Hygienist.

7. During the course of hearing, short reply was filed by respondent No.1, Director Health Services (Dental), Haryana dated 24.08.2023.

8. Learned State Counsel submitted on behalf of the State that the Director General Health Services, Haryana sought clarification from the Haryana Staff Selection Commission regarding recommendation of BDS degree holders for the post of Dental Hygienist. The Commission clarified that the recommendation of BDS candidates was made considering them to

possess a higher qualification in the same line, in view of the instructions dated 25.03.2016 issued by the Chief Secretary, Haryana, and further advised that if the Department was of the opinion that BDS was not in the same line as Dental Hygienist, it could refuse appointment and seek substitute candidates.

9. It is further submitted that the Health Department constituted an expert Committee under the Chairmanship of the Director Health Services (Dental), which, after examining the relevant rules and instructions, opined that BDS is not a higher qualification in the same line as that of Dental Hygienist. The Committee's recommendation clearly records that the two qualifications belong to distinct streams.

10. Mr. Rahul Dev Singh, Addl. AG Haryana, asserted that clarification was sought from the Dental Council of India wherein the Executive Committee of the Council while referring to the provisions of the Dentists Act, 1948, clarified that a "dental hygienist" means a person not being a dentist or medical practitioner who performs specified functions of scaling, cleaning, polishing teeth and imparting dental hygiene instructions, whereas a "dentist" practices dentistry as defined under the Act. Thus, by statutory definition, the cadre of Dental Hygienist does not include a dentist as the service rules governing the two posts are entirely different. The post of Dental Hygienist is governed by the Haryana Health Department Dental (Group-C) Services Rules, 1997, requiring Matric with Science and a Diploma in Dental Hygienist Course from a recognized institute. In contrast, the post of Dental Surgeon (BDS) is governed by the Haryana Health

Department Dental (Group-B) Services Rules, 1987, requiring a Bachelor of Dental Surgery degree and registration under the Dentists Act, 1948. The classification, pay scale, cadre strength, and nature of duties of both posts are distinct and separate.

11. Heard, learned counsel for the respective parties.
12. The dispute concerns the eligibility of BDS degree holders for appointment to the post of Dental Hygienist pursuant to Advertisement No. 15 of 2019. The advertisement specifically requires a Diploma in Dental Hygienist Course from a recognized institute. The private respondents admittedly possess a BDS degree but do not hold the mandatory Diploma qualification.
13. Though the Haryana Staff Selection Commission recommended BDS candidates treating BDS as a higher qualification, the State constituted an Expert Committee which opined that BDS is not a higher qualification in the same line as Dental Hygienist. Clarification from the Dental Council of India under the Dentists Act, 1948 also establishes that a dentist and a dental hygienist are distinct cadres. The service rules governing the two posts are separate and materially different.
14. Significantly, in paragraph 12 of its written statement, the State has itself submitted that the claim of the petitioners (Dental Hygienists) deserves acceptance and that of the selected BDS candidates is liable to be rejected. The same has been reproduced as under:

“12. That in view of submissions made above, it is most respectfully submitted that the claim made by the petitioners/Dental Hygienist is liable to be accepted and that of made by the selected candidates having degree in BDS is liable

to be rejected. The Director General Health Services, Haryana may kindly be allowed to issue appointment letter to the eligible candidates having requisite qualification of Dental Hygienist as per their eligibility in terms of selection/waiting list issued by the Commission in the interest of justice.”

15. In view of the above, the petitions are disposed of by remanding the matter to the Director General Health Services, Haryana, to reconsider the issue afresh in light of the stand taken by them in paragraph 12 of the written statement and to issue appointments strictly in accordance with the prescribed qualifications and the selection/waiting list.

16. The exercise be completed within eight weeks from receipt of certified copy of this order.

17. Pending applications, if any, also stand disposed of.

(SANDEEP MOUDGIL)
JUDGE

12.01.2026
Meenu

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