

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Civil Writ Petition No 80 of 2012

1. Tofik Ahmed son of Sh. Jameel Ahmed, aged 25 years, resident of Village Kumrehra, Post Office Shikrawa, Tehsil Hathin, District Palwal (Haryana).
2. Aadil Khan son of Sh. Jan Mohammad, aged 30 years, resident of Village and Post Office Shikrawa, Tehsil Punahana, District Mewat (Nuh) Haryana.
3. Mehruddin son of Hamida, aged 37 years, resident of VPO Uttawar, Tehsil Hathin, District Palwal, Haryana.
4. Akhtar Hussain son of Shri Kantula, aged 34 years resident of Village and Post Office Rithat, Tehsil Nagina, District Mewat (Haryana).
5. Hanif son of Sh. Iliyas Mohammad, aged 34 years, resident of Village and Post Office Shikrawa, Tehsil Punhana, District Mewat (Nuh) Haryana.
6. Mohd. Farooq son of Sh. Yamin, aged 28 years, resident of Village Sultanpur, Tehsil Punhana, District Mewat (Nuh), Haryana.
7. Kayyum Khan son of Sh. Umar Khan, aged 23 years, resident of Village and Post Office Shikrawa, Tehsil Punhana, District Mewat (Nuh) (Haryana).
8. Virender Saini son of Sh. Sant Lal Saini, aged 24 years, resident of H. No. 520/6, Hanuman Colony, Near Gosai Gate, Hansi, District Hisar, Haryana.
9. Naresh Kumar son of Sh. Ram Chander Saini, aged 28 years, resident of Mohalla Saini Pura, Ward no. 11, Near Saini High School, Playground, Mahendergarh, Haryana.

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10. Satish Kumar son of Mamraj, aged 32 years, resident of Village Manjheri, Post Office Chhachhrauli, Tehsil Chhachhrauli, District Yamunanagar, Haryana.
11. Mubeen Khan son of Sh. Rehmat Khan, aged 26 years, resident of VPO Uttawar, Tehsil Hatn, District Palwal, Haryana.
12. Rohit son of Sh. Tirloki Nath Verma, aged 23 years, resident of VPO Chhachhrauli, District Yamunanagar, Haryana.
13. Prince son of Sh. Balwant Singh, aged 20 years, resident of Village Gadwali, Post Office Chouli, Tehsil Bilaspur, District Yamunanagar, Haryana.
14. Vivek Sharma son of Sh. Dharamdev Sharma, aged 22 years, resident of VPO Chhachhrauli, District Yamunanagar, Haryana.
15. Subhash Chand son of Sh. Nain Pal, aged 28 years, resident of Nangal Jat, Tehsil Hatn, District Palwal, Haryana.

.....Petitioner(s)

Versus

1. State of Haryana through Secretary to Government, Haryana, Department of Health, Haryana Civil Secretariat, Chandigarh.
2. Haryana Staff Selection Commission, Bays No. 67-70, Sector 2, Panchkula, Haryana through its Secretary
3. Para Medical Council, Punjab (Regd.) Mohali, Opposite E.S.I. Hospital, S.C.O. No. 37, Phase-7, Mohali, Punjab through its General Secretary.

.....Respondent(s)

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Petition under Section 226/227 of the Constitution of India

praying for issuance of an appropriate writ, order or direction to the respondent no. 1 & 2 to consider the petitioners as eligible for the posts of Multi Purpose Health Worker (Male) since a condition has been imposed in the Advertisement No. 2 / 2011 dated 06.12.2011 (Annexure P-1) that for recruitment to the post of Multipurpose Health Worker (Male) only the Multipurpose Health Workers Training Course done from an institution approved by the Haryana Government will be considered eligible, and the petitioner's diploma / certificate has been issued by Para Medical Council, Punjab (Regd.) i.e. respondent no. 3, whereas the respondent state / department has already considered the candidates who have done their Multi Purpose Health Worker (Male) course from Para Medical Council, Punjab (Regd.) i.e. respondent no. 3 and have issued appointment letters (Annexure P- to P-) to them and they are working satisfactorily in the respondent department and even the petitioners no. 1, 3, 12, 13 & 14 are already working in the respondent department on contract basis on the same post of Multipurpose Health Worker (Male) on the basis of same Diploma in Multipurpose Health Workers (Male) issued by the respondent no. 3.

With further prayer for issuance of an appropriate writ, order or direction quashing the Advertisement No. 02 / 2011 dated 06.12.2011 (Annexure P-1) vide which a condition has been imposed that for recruitment to the post of Multipurpose Health Worker (Male) only the Multipurpose Health Workers Training Course done from an institution approved by the Haryana Government will be considered eligible ; OR issue an appropriate writ, direction or order directing the respondent 1 & 2 for declaring that all diplomas being awarded for Multipurpose Health

Workers from registered institutions from other States will also be considered eligible.

WITH further prayer for issuance of an appropriate writ, order or direction for staying the selection of Multi Purpose Health Worker (Male) being conducted by the respondent no. 1 & 2 since the criteria adopted by the respondent no. 1 & 2 in the selection is illegal and against the principal of natural justice and is violative of Article 14 and 16 of the Constitution, during the pendency of the present petition.

Respectfully States :-

1. That the petitioners, being the citizen of India, are in a position to invoke the writ jurisdiction of this Hon'ble Court under Articles 226/227 of the Constitution of India by way of filing the present writ petition.
2. That on 06.12.2011 the respondent no. 2 i.e. Haryana Staff Selection Commission have got published an Advertisement No. 2 / 2011 for recruitment to various posts in various departments including the posts of Multipurpose Health Worker (Male) and have sought applications for filling up the posts of Multi Purpose Health Worker (MPHW) Male in the respondent Health Department. The true copy of the relevant portion of the above said Advertisement No. 2 / 2011 dated 06.12.2011 is annexed herewith as **Annexure P-1**. The said posts of Multi Purpose Health Worker

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THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA
AT CHANDIGARH

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Office Notes

ORDERS OF THE COURT

Present: Ms. Manddeep Kaur, Advocate,
for the petitioners.

Notice of motion for 27/02/2012.

J.
J. LAUSTINE GEORGE MATHU
JUDGE

January 03, 2012
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Certified to be true Copy

Keypal
Registrar
High Court of Punjab and Haryana
Chandigarh