

Examiner
High Court

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

Civil Writ Petition No. 20284 of 2009

Para Medical Council (Punjab) Mohali, Opposite E.S.I. Hospital,
S.C.O. No. 37, Phase-7, Mohali through its General Secretary, Dr.
M.S. Gill.

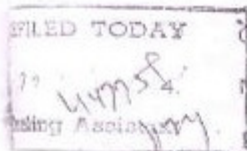
Petitioner(s)

Versus

1. The State of Punjab through Secretary to Govt. of Punjab,
Department of Animal Husbandry, Fisheries and Dairy Development,
Punjab Civil Secretariat, Chandigarh.
2. The Secretary, Health and Family Welfare, Govt. of Punjab,
Chandigarh.
3. The Secretary, Medical Education and Research, Punjab,
Chandigarh.
Medical Council of India, Pocket- 14 , Sector - 8, Dwarka
Phase-1, New Delhi-110077.
5. State of Haryana through Secretary Medical Education, Civil
Secretariat, Haryana, Chandigarh.
6. Secretary, Health & Family Welfare, Haryana, Civil Secretariat,
Haryana, Chandigarh.
7. Secretary Department of Animal & Husbandry, Haryana, Civil
Secretariat, Haryana, Chandigarh.

Respondent(s)

Petition under Article 226/227 of the Constitution of
India praying for issuance an appropriate writ,
order or direction directing the State of Punjab,
Haryana and Chandigarh to lay down standards
and norms for, affiliation, recognition and
registration of paramedical courses and establish
a state or statutory body authorized to affiliate,



recognize and register the institutions imparting such training in the field or/and allow formation of such a body and enact a law / legislation to this effect as has already been done in many other states and thereafter, consider the petitioner institution for recognition as the State is practically either recognizes or not recognizes individual institutions without setting up any criteria for the same.

It is further prayed that the State be directed to consider the petitioner institution for recognition provisionally in accordance with the established criteria in a time bound manner.

Respectfully Showeth :

1. That the petitioner is a society registered under the Societies Registration Act and was registered on 2.5.2008 with Registrars of Societies, Punjab with its registered office at SCO No. 37, Top Floor, Opp. E.S.I. Hospital, Industrial Area, Phase-7, Mohali. The resolution of the Society to file this petition through its General Secretary is annexed herewith as Annexure P-1 and the certificate of the registration is placed on record as Annexure P-2.
2. That the precise grievance of the petitioner is that in the State of Punjab, Haryana and Chandigarh, there is no legislation regulating the field of paramedical training courses like X-Ray Technicians/Radiographers, Laboratory Technicians of various types, ECG Technicians/ operators, Audiologist, Ortho Technicians, Ultra Sound technicians, Operation Theater Technicians, Dialysis Technicians, Allopathic, Unani, Homoeopathy and Ayurvedic compounders etc. and veterinary pharmacy nor there is any recognized body affiliating the institutions imparting training in the field. There is no law/regulation for regulating the registration of paramedical field, just like Steno's, Deed Writers, Munshies etc.

2076
6/3/10

Out today

W- 14

D.P. No. 90696

Pending for _____

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

- (1) State of Punjab through Secretary Department of Animal Husbandry Civil Secretariat Punjab Chandigarh
- (2) State of Punjab through Secretary Department of Rural Development and Panchayat Civil Secretariat Punjab Chandigarh
- (3) Zila Parishad Taintaran through its Executive Officer Taintaran Punjab
- (4) Rural Veterinary Civil Veterinary Hospital Kang (Khadosa Sahib)
- (5) Para medical Council Punjab (Registered) Mohali (District Mohali)
- (6) Guna Ram Dass Education Society (Registered) Subhanpur Road Near Bus Stand Bhecha Kapurthala - 144601
- (7) State of Punjab through Secretary Home Civil Secretariat Punjab Chandigarh
- (8) Mr Jagdish Singh s/o St. Amrik Singh aged 35 years Resident of village Goindwal Sahib Tehsil Khadosa Sahib District Taintaran Punjab
- (9) The Registrar Para Medical Council Ph. opposite E.S.G Hospital Industrial Area Mohali District

SUBJECT :- CIVIL WRIT PETITION No. 3585 OF 2010

Jagdish Singh

..Petitioner(s).

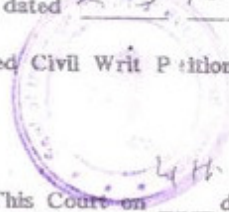
VERSUS

State of Punjab and others.

..Respondent(s).

Sir,

In the continuation of this Court's order dated _____, I am directed to forward herewith a copy of order dated 2-3-10 passed by the Hon'ble High Court in the above noted Civil Writ Petition, for immediate strict compliance.



Given under my hand and the seal of This Court on 4th March day of Oct 2009, 2010

BY ORDER OF THE PUNJAB AND HARYANA HIGH COURT, CHANDIGARH.

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Civil Writ Petition No. 3585 of 2010

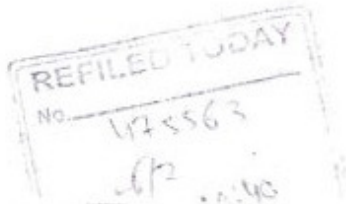
1. Jagdish Singh s/o Sh. Amrik Singh, aged 35 years. Resident of village Goindwal Sahib, Tehsil Khadoor Sahib, Distt. Tarn Taran, Punjab.

Petitioner(s)

Versus

- 1 State of Punjab through Secretary Department of Animal Husbandry Civil Secretariat Punjab.
- 2 State of Punjab through Secretary Department of Rural Development and Panchayat, Civil Secretariat Punjab
- 3 Zila Parishad, Tran Taran through its Executive Officer, Tran Taran, Punjab.
- 4 Rural Veterinary Civil Veterinary Hospital, Kang (Khadoor Sahib).
State of Punjab through Secretary Home, Civil Secretariat, Punjab.
Chandigarh
- 5 Para Medical Council Punjab (Registered), Mohali (Distt. Mohali).
- 6 Guru Ram Dass Education Society (Registered), Subhanpur Road Near Bus Stand, Bheela, Kapurthala - 144 601

Respondent(s)



Petition under article 226/227 of the Constitution of India praying for quashing the notice of termination of services dated 16.02.2010^{AM} on the ground that the petitioner has not done his diploma of Animal Husbandry from Punjab Govt. approved institute or from state institute, notwithstanding that the field of Veterinary Pharmacy is an unregulated field and there is no statute which makes it a monopoly of the state to impart such courses and there are no statutory rules or regulations which

C.W.P.No.3585 of 2010

Present : Mr.R.S.Bains, Advocate,
for the petitioner.

Notice of motion.

Ms.Charu Tuli, Senior Deputy Advocate General, Punjab,
accepts notice on behalf of respondent Nos.1 & 2 only.

As prayed for by her, adjourned to 7.4.2010.

Let two copies of the writ petition be supplied to the learned
State counsel during the course of day failing which the writ petition shall
stand dismissed for non-prosecution.

Counter reply, if any, be filed before the date fixed with an
advance copy to the opposite counsel.

Let respondent Nos.3 to 6 be served through *dasti* notices for
the date fixed.

The Registrar of respondent No.5 is directed to remain present
in Court on the date fixed alongwith original records to explain under which
authority of law, the diploma certificates in Veterinary Pharmacy are being
issued by respondent No.5.

Meanwhile, status-quo regarding service of the petitioner shall
be maintained.

02-03-2010

Mohinder

Sd/- (SURYA KANT)
JUDGE



15/3/10

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DIA



District W-12

Allowed
Disposed of

OP No. 56849, 8645 STATUS - pending for Disposed of
IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

State of Haryana through Financial Commissioner & Secretary to
Govt of Haryana, Health Department, New Secretariat Building,
Sector - 17, Chandigarh. in CWP 1373/09
Director General, Health Services, Sector - 6, Panchkula
in CWP 1373/09
Haryana Staff Selection Commission through its secretary,
Bays No. 67-70, Sector - 2, Panchkula.
State of Haryana through the Secretary to Govt. Haryana, Deptt
of Health, Haryana Civil Secretariat, Chandigarh. in CWP 1272/09
State Medical Council Punjab (Registered), Mohali (Distt. Mohali)
in CWP 1272/09

(cont.)
Docket

1 CWP No. 1373-2009 Dalbir Singh vs Haryana
2 CWP No. 1272-2009 Tarik Ahmad & Ors vs
Subject:- CWP No. _____ of _____

VERSUS

...Petitioner

State of Punjab / Haryana / U.O.I & Ors.

.....Respondent

Sir

In continuation of this Court's order dated _____ I
am directed to forward herewith a copy of order dated 16/2/2010
passed by the Hon'ble High Court in the above noted Civil Writ
Petition for immediate strict compliance.

Given under my hand and the seal of this court on this 26th day of
February, 2010

BY THE ORDER OF THE PUNJAB AND HARYANA HIGH COURT
CHANDIGARH

(Signature)
Superintendent
for Assistant Registrar (Writs)
(Signature)

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For Private Use Of
Examiner, Judge
High Court of
Punjab & Haryana
Chandigarh
10/11/2009

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.W.P. NO. 1272 OF 2009

1. Tofik Ahmed son of Shri Jameel Ahmed, aged 22 years, resident of Village Kumrehra, Post Office Shikrawa, Tehsil Hathin, District Palwal (Haryana).
2. Kayyum Khan son of Shri UmarKhan, aged 20 years, resident of Village and Post Office Shikrawa, Tehsil Punhana, District Mewat (NUH) (Haryana).
3. Hanif son of Shri Ilyas Mohammad, aged 32 years, resident of Village and Post Office Shikrawa, Tehsil Punhana, District Mewat (Nuh) Haryana
4. Akhtar Hussain son of Shri Mantula, aged 31 years resident of Village and Post Office Rithat, Tehsil Nagina, District Mewat (Haryana).
5. Aadil son of Shri Jan Mohammad, aged 26 years, resident of Village and Post Office Shikrawa, Tehsil Punahana, District Mewat (NUH). Haryana.

.....PETITIONERS

Versus

1. The State of Haryana through the Secretary to Government, Haryana, Department of Health, Haryana Civil Secretariat, Chandigarh.
2. Haryana Staff Selection Commission, Bays No. 67-70, Sector 2, Panchkula through its Secretary.
3. Para Medical Council Punjab (Registered), Mohali (Distt. Mohali).

.....RESPONDENTS

Petition under Section 226 of the Constitution of India praying for issuance of an appropriate writ, order or direction quashing the advertisement dated 7.8.2008 (Annexure P-1) vide which a condition has been imposed that for recruitment to the post of Multipurpose Health Worker (Male) only the training course done from institutions approved by the Government will be considered eligible or issue an appropriate writ direction or order directing the respondents for declaring that all diplomas being awarded for Multi Purpose Health Workers from registered institutions from other states will also be considered eligible;

It is further prayed that since interviews have already started on 22.1.2009 and will last till 29.1.2009 the petitioners may kindly be provisionally permitted to sit in the interview.

Respectfully States:

1. That the petitioners being the citizen of India and as such 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 all the petitioners have passed Matriculation examination and thus are fulfilling the first essential qualification mentioned in the advertisement dated 6.4.2008. They also possess the qualification of having passed the Hindi upto matric standard. All of the petitioners have also passed the Diploma course for the Multi Purpose Health Workers. But the diploma is not from an institute either run by Haryana Government or controlled by Haryana Government as the diploma has been granted by Para Medical Council Punjab (Registered).

ATTESTED
4-1
1

Civil Writ Petition No. 1373 of 2009 and
Civil Writ Petition No. 1272 of 2009

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Civil Writ Petition No. 1373 of 2009 and
Date of decision: 16th February, 2010

Dalbir SinghPetitioner

vs

State of Haryana & othersRespondents

Civil Writ Petition No. 1272 of 2009

Tofik Ahmed & orsPetitioners

vs.

State of Haryana & orsRespondents

CORAM: - HON'BLE MR. JUSTICE PERMOD KOHLI

Present: - Mr. D.S. Rawat, Advocate and
Mr. R. S. Bains, Advocate
for the petitioners

Mr. R.S. Kundu, Addl. AG, Haryana

.....
PERMOD KOHLI, J.(ORAL)

State of Haryana through Haryana Staff Selection Commission
advertised 235 posts of Multi Purpose Health Workers (Male) in the Health
Department vide its advertisement dated 7.6.2008. The qualifications
prescribed under the aforesaid advertisement were as under: -

- (i) Matric.
- (ii) Multi Purpose Health Workers Training Course from an Institution
approved by the Government.

Civil Writ, Petition No. 1373 of 2009 and
Civil Writ Petition No. 1272 of 2009

(iii) Hindi/Sanskrit upto Matric Standard.

All the petitioners in these writ petitions claiming to be eligible, applied in response to the aforesaid advertisement. They were not called for interview. It is alleged that the petitioners approached the respondents and on inquiry it is revealed that for the course of Multi Purpose Health Worker (Male), qualification acquired by the petitioners has not been considered by the respondents.

Having failed, the petitioners filed the present writ petitions.

The State-respondent has filed its reply to Deputy Commissioner-cum-Chairman (Governing Council) in the Office of the Health Services. It is clear and categorical to stand up the respondents that the Haryana Staff Selection Commission decided to consider only the candidates who have passed the Multi Purpose Health Worker Course from the Institutions approved by the State Government in the States of Haryana and the candidates who have passed the Multi Purpose Health Course from the Institutions other than the States of Haryana will not be eligible.

In view of the above circumstances, the writ petitioners have been declared ineligible. From the advertisement notice it appears that the only qualifications prescribed was Multi Purpose Health Worker Training Course from an Institution approved by the Government. The copy of the advertisement is annexed as Annexure P-1 which only provide that the qualifications acquired from fake Universities will not be recognized. There is nothing on record to indicate that the qualifications acquired by the petitioner is from any Institution declared approved by State. To the contrary, the petitioners have specifically mentioned the Institutions from where they acquire the qualifications.

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ATTESTED
Examiners,
High Court of Punjab
Chandigarh

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Civil Writ Petition No. 1373 of 2009 and
Civil Writ Petition No. 1272 of 2009

In CWP No. 1373 of 2009, the petitioners acquired qualifications from Mother Teresa Institution of P.M.S. Hisar which is said to be duly recognized by Open International University. The University from where the qualifications has been acquired has been established under the Central Government Act.

In CWP No. 1272 of 2009, the petitioners have acquired the qualifications from Paramedical Council Punjab in diploma of Multi Health Worker Course Registered at Mohali (Annexure P6). The stand of the respondents that the qualifications acquired from any Institution other than the State of Haryana will render the candidates ineligible is totally contrary to law.

A similar issue is involved in CWP No. 52 of 2007 titled as Krishan Kumar and others vs. State of Haryana and others and CWP No.12161 of 2006 titled as Manoj Kumar and others vs. State of Haryana and others.

In the aforesaid case, the qualifications granted by Deemed University have been held to be valid. In view of the above circumstances, both the writ petitions are allowed as the same question of law is involved.

Respondents are directed to consider the candidature of the petitioner for the post of Multi Health Worker (Male) in accordance with law within a period of three months by interviewing the petitioner as well.

Sd/- (PERMOD KOHLI)
JUDGE

16.2.2010
preeti

Handwritten notes and signatures in the bottom left corner, including the date 16/2/10 and initials.

Certified to be true Copy
Ex. Copy
High Court of Punjab & Haryana
Chandigarh
Department of
Examiner

For Private Use
Examiner Judicial Department
High Court of Punjab and Haryana
Auth: 1532
1272 L.E. Act

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
Civil Original Contempt Petition No. 1532 of 2010

in Civil Writ Petition No. 1272 of 2009
Tofik Ahmed son of Sh. Jameel Ahmed, aged 22 years, resident of village
Kumrehra, Post office Shikrawa, Tehsil Hathin, District Palwal (Haryana),
Petitioner

Versus

1. Sh. Brig. Nand Lal Punia, Chairman, Haryana Staff Selection Commission Bays no. 67-70, Sector - 2, Panchkula (Haryana)
2. Sh. P D Verma, Secretary, Haryana Staff Selection Commission Bays no. 67-70, Sector - 2, Panchkula (Haryana)

Respondent(s)

Contempt Petition Under Section 12 of the Contempt of Courts Act, 1971, for willful disobedience by the respondents of the orders dated 16.02.2010 passed by the Hon'ble High Court in the above said Civil Writ Petition No. 1272 of 2009, whereby the Hon'ble High Court has directed the respondents to consider the candidature of the petitioner of the post of Multi Health Worker (Male) in accordance with law within the period of three months by interviewing the petitioner as well, but the respondents have withheld the results of the interview of the petitioner by notice dated 31.07.2010 which is clear willful disobedience of the orders dated 16.02.2010 passed by this Hon'ble Court.

RESPECTFULLY STATES:-

1. That the petitioners approached this Hon'ble Court for issuance of an appropriate writ quashing the advertisement dated 7.8.2008 issued by the Haryana Staff Selection Commission for recruitment to the posts

COCN No.1532 of 2010

ATTESTED

Examiner, Judicial Department
High Court of Punjab & Haryana
Chandigarh

Present: Mr. R.S.Bains, Advocate,
for the petitioner.

Mr. Anup Sharma, AAG, Haryana, present in Court, is directed
to seek instructions in the matter.

List on 06.09.2010.

Two copies of contempt petition be handed over to Mr. Anup
Sharma, during the course of the day.

09.08.2010
Vimal

Sd/- Hemant Gupta
Judge

True Copy
Certified to be true Copy
Examiner, Judicial Department
High Court of Punjab & Haryana
Chandigarh

PUNJAB & HARYANA HIGH COURT