

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Civil Writ Petition No. 22637 of 2013

1. Ram Karan son of Sh. Balwant Rai, resident of Village Jhansa, Tehsil Pehowa, District Kurukshetra, Haryana.
2. Harvinder Singh son of Sh. Jasbir Singh, resident of Village Ahun, Tehsil Dand, District Kaithal, Haryana
3. Satender Singh son of Sh. Jasbir Singh, resident of Village Ahun, Tehsil Dand, District Kaithal, Haryana.
4. Karam Singh son of Sh. Kashmir Singh, resident of Village Barna, Tehsil Thanesar, District Kurukshetra, Haryana.
5. Jitender Sinhmar son of Sh. Balwan, resident of Village and Post Office Barna, District Kurukshetra, Haryana.
6. Sanjeev Kumar son of Sh. Gopi Ram, resident of House No. 290, Village Hajwana, Tehsil Kaithal, District Kaithal, Haryana.
7. Pardeep Kumar son of Sh. Hawa Singh, resident of Village and Post Office Teantha, Tehsil Pundri, District Kaithal, Haryana.
8. Satpal Singh son of Sh. Jeet Singh, resident of Village Ahun, Tehsil Dhand, District Kaithal, Haryana.
9. Radhe Shayam son of Sh. Raghubeer Singh, resident of VPO Dhottar, Tehsil Rania, District Sirsa, Haryana.
10. Sandeep Kumar son of Sh. Lal Chand, resident of House No. 14/211/1A, Ram Colony, Barnala Road, Sirsa, Haryana.

11. Subhash Chander son of Sh. Gokal Ram, resident of VPO Dhotter, Tehsil Rania, District Sirsa, Haryana.
12. Raminder son of Sh. Madan Lal, resident of VPO Jhotar, Tehsil Rania, District Sirsa, Haryana.
13. Chander Pal son of Banwari Lal, resident of VPO Chakkan, Tehsil Rania, District Sirsa, Haryana.
14. Suresh Kumar son of Sh. Balbir Singh, resident of House No. B-11/210, Kirti Nagar, Street Atma Ram Sarpanch, District Sirsa, Haryana.
15. Gurdeep Singh Rawal son of Sh. Bharat Singh, resident of Didar Nagar, Pehowa Raod, Kurukshetra, Haryana.
16. Chetan Sharma son of Sh. Rajender Kumar, C/o Subhas Sharma, Janta Sr. Sec. School, Jhansa Road, Kurukshetra, Haryana.
17. Gourav Sharma son of Sh. Sushil Sharma, resident of Shanti Nagar, Kurukshetra, 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)

Chandigarh  
Dated: 09.10.2013

Through Counsel :

  
[R.S. Bains] Advocate  
Counsel for the Petitioners

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

Civil Writ Petition No. 2637 of 2013

Ram Karan and Others

.....Petitioner(s)

Versus

State of Haryana and others

.....Respondent(s)

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 Category No. 66 (Annexure P-1) and in the Notice of short-listing dated 04.10.2013 (Annexure P-2) to the candidates for interview for the said posts of MPHW (Male) against the above said Advertisement No. 2/2011, that for recruitment to the post of MPHW (Male) only the Multipurpose Health Workers Training Course done from an institution approved by the Haryana Government will be considered eligible, and vide Notice (Annexure P-2) issued by the respondent no. 2, only those candidates who have done the MPHW (Male) Training Course from an institution approved by Haryana Government have been shortlisted and called for interview for the said posts of MPHW (Male), 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-5 to P-14) to them and they are working satisfactorily 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) and Notice of short-listing dated 04.10.2013 (Annexure P-2) to the candidates for interview for the said posts of MPHW (Male) against the above said Advertisement No. 2/2011 Category No. 66, 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 and vide Notice (Annexure P-2) issued by the respondent no. 2, only those candidates who have done the MPHW (Male) Training Course from an institution approved by Haryana Government have been shortlisted and called for interview for the said posts of MPHW (Male) ; 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 interview / selection of Multi Purpose Health Worker (Male) being conducted by the respondent no. 1 & 2 in pursuance of the Advertisement No. 02 / 2011 dated 06.12.2011, Category No. 66 (Annexure P-1) and Notice of short-listing dated 04.10.2013 (Annexure P-2) to the candidates for interview for the said posts of MPHW (Male) against the above said Advertisement No. 2/2011, Category No. 66 (Annexure P-1), since the criteria adopted by the respondent no. 1 & 2 in the selection / interview 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 (Male) are mentioned at Category No. 66 and there are total 560 posts of Multipurpose Health Worker (Male) in the respondent department. The essential qualifications for the said post as mentioned in the advertisement is as under :-
  - i) *Matric*
  - ii) *Multipurpose Health Workers Training Course from an institution approved by the Haryana Government.*
  - iii) *Hindi / Sanskrit upto Matric Standard."*
3. That now the respondent no. 2 has issued a Notice of short-listing dated 04.10.2013 to the candidates for interview for the said posts of MPHW (Male) against the above said Advertisement No. 2/2011 Category No. 66, and only those candidates who have done the MPHW (Male) Training Course from an institution approved by Haryana Government have been

7

For Private Use  
Certified to be true copy  
Incharge  
Central Copying Agency  
(Authorized u/s 76 of Indian Evidence Act, 1872)  
High Court of Pb. & Hr., Chandigarh.

254 CWP No.22639 of 2013

Ram Karan and others vs. State of Haryana and others

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

Ms. Kirti Singh, DAG, Haryana.

---

Ms. Kirti Singh, DAG, Haryana prays for further time to file  
reply.

Permitted to do so on or before the next date of hearing.

There will be an interim order in terms of the interim order passed  
in CWP No.23966 of 2013.

To be heard along with the aforesaid writ petition.

List on 04.12.2013.

(RAJIV NARAIN RAINA)  
JUDGE

06.11.2013  
manju

8

For Private Use  
Certified to be true copy  
Incharge,  
Central Copying Agency  
(Authorized under 76 of Indian Evidence Act, 1872)  
High Court of Pb. & Hr., Chandigarh.

126 CWP No.23966 of 2013

**Ravinder Kumar and others**  
vs.  
**State of Haryana and others**

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

Notice of motion returnable on 04.12.2013.

In the meanwhile, the petitioners are permitted to be interviewed provisionally subject to the decision of this writ petition. The result of the petitioners be kept in a sealed cover till further orders.

To be heard along with CWP No.23808 of 2013.

Order dasti.

**(RAJIV NARAIN RAINA)**  
JUDGE

30.10.2013  
manju