

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Civil Writ Petition No. 13278 of 2014

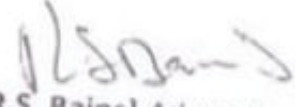
1. Kulwinder Singh son of Sh. Joginder Singh Hundal, aged 29 years, resident of VPO Baddehali, District Gurdaspur, Punjab.
2. Jashanpreet Kaur daughter of Sh. Bhupinder Singh, resident of House No. 11991, Ward No. 32, Street No. 2, Dasmesh Nagar, Naruana Road, Bathinda, Punjab.

Versus

1. State of Punjab through Secretary to Government, Punjab, Department of Health & Family Welfare, Punjab, Punjab Civil Secretariat, Chandigarh.
2. Department of Health and Family Welfare, Punjab, Parivar Kalyan Bhawan Sector 34-A, Chandigarh through its Director.

Chandigarh
Dated: 12.06.2014

.....Respondent(s)


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

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 Medical Laboratory Technician Grade-2 for which the petitioners have applied and cleared / passed the written test conducted by the respondent no. 1 & 2 and appeared in the counseling held by the respondent no. 1 & 2 from 02.01.2014 to 13.01.2014 for the said posts, as per the advertisement dated 26.07.2011 and public notice dated 16.12.2011 (Annexure P-2 & P-3) for filling up 390 posts of Medical Laboratory Technician Grade-2 in the respondent Health Department on regular basis, but later on the respondent no. 2 has published the list of candidates (Annexure P-5) for the post of Medical Laboratory Technician Grade-2 who appeared for counseling and against the names of the petitioners listed at Serial No. 786 & 1234 in the said list (Annexure P-5) it is mentioned in the column of eligibility and remarks that the petitioners are not eligible as their diploma in DMLT issued by the respondent no. 3 is not valid, despite the fact that on the basis of same diploma in DMLT issued by the respondent no. 3, the petitioner no. 2 is working on the same post i.e. Lab Assistant in GGS Medical College & Hospital, Faridkot, under Baba Farid University of Health Sciences, Faridkot since 13.08.2010 till date on contract basis, and number of other candidates who have done their diplomas / Para Medical Courses from the respondent no. 3 are already working in the respondent health department on the basis of said diplomas.

With further prayer that during the pendency of the present petition the selection process for the posts of Medical Laboratory Technician Grade-2 in the respondent department as per the advertisement dated 26.07.2011

CWP No.13278 of 2014

ATTESTED
Registrar in Civil Department
High Court of Punjab & Haryana
Chandigarh

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.

CWP No.13278 of 2014
Date of Decision : 14.7.2014

Kulwinder Singh and othersPetitioners

Vs.

State of Punjab and othersRespondents

...

CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

...

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

...

RAMESHWAR SINGH MALIK, J

Feeling aggrieved against the alleged inaction on the part of respondent authorities, petitioners have approached this court by way of ~~instant petition, under Articles 226/227 of the Constitution of India, seeking~~ a writ in the nature of Mandamus.

Learned counsel for the petitioners, at the very outset, fairly states that the petitioners have approached this court, seeking a writ in the nature of Mandamus, without approaching the respondent authorities, at the first instance by moving any representation. He further submits that given an opportunity, petitioners shall approach the competent authority i.e. respondent no.2, by moving an appropriate representation within a period of three weeks from today and he may be directed to decide the same within a reasonable time.

of limitation, if any, Director, Department of Health and Family Welfare, Punjab-respondent no.2 is directed that if the petitioners approach him by moving an appropriate representation within a period of three weeks from today, he shall consider and decide the same at an early date, by passing an appropriate order thereon, in accordance with law, but in any case within a period of one month from the date of receipt of representation from the petitioners.

With the observations made above, the present writ petition stands disposed of.

14.7.2014

SIL (RAMESHWAR SINGH MALIK)
JUDGE

GS
/

Accepted to be true copy
21/7/14
Registrar - Civil Department
High Court of Punjab & Haryana
Chandigarh

PUNJAB AND HARYANA HIGH COURT

0409734
DFA called
21-7-14
Mr. S.S. 21/7/14

0409734
 16/7/14
 Urgent/Ordinary Petition No. _____
 Date of presentation of Application _____
 No. of pages of Excerpts _____
 No. of pages of Excerpts against Petition _____
 (Excerpts upto 10 pages)
 (Excerpts upto 10 pages)
 (Excerpts upto 10 pages)
 (Excerpts upto 10 pages)
 Date of registration of defects _____
 Date of rectification of defects _____ 21/7/14
 Date of preparation of copy _____
 Date of Delivery of copy _____
 Meters
 21/7/14

T. S. P.
 21/7/14

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21-5-14