

Mr. Private Law
Examiner Judicial Department
High Court of Punjab & Haryana
Authorised to file Section 78
of 1972 E.E. Act.

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.

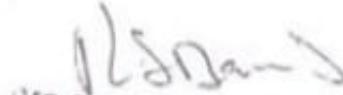
Versus

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

....Respondent(s)

Dated: 12.06.2014


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

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.

CWP No.13278 of 2014

Date of Decision : 14.7.2014

Kulwinder Singh and others

.....Petitioners

Vs.

State of Punjab and others

.....Respondents

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.

CWP No.13278 of 2014

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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
GS

SH (RAMESHWAR SINGH MALIK)
JUDGE

Carried to 5 True Cops
21/7/2014
Exch. & Adm. Department
High Court of Punjab & Haryana
Chandigarh

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Process/Urgent/Ordinary Petition No. _____
of presentation of Application _____
Date of filing _____
Date of Registration of Petition _____

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(1) _____ upto 10 pages
(2) _____ upto 25 pages
(3) _____ upto 50 pages

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Date of filing _____
Date of Registration of Petition _____
Date of filing of Petition _____

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