

## IN THE HIGH COURT OF PUNJAB AND HARYANA

## AT CHANDIGARH

Civil Writ Petition No12572 of 2012

1. Satpal Singh son of Sh. Jeet Singh, aged 29 years, resident of village Ahun, Tehsil Dhand, District Kaithal, Haryana.
2. Sukhdev Singh son of Sh. Jagdish Chand, aged 18 years, resident of VPO Jakhouli, Tehsil and District Kaithal, Haryana.
3. Rajender Kumar son of Sh. Nand Parkash, aged 27 years, resident of village Pundari, Tehsil Pundari, District Kaithal, Haryana.
4. Virender Sharma son of Sh. Om Parkash, aged 26 years, resident of village Pundari, Tehsil Pundari, District Kaithal, Haryana.
5. Raj Kumar son of Sh. Lila Ram, aged 27 years, resident of village Indachhoi, Tehsil Tohana, District Fatehabad, Haryana.

.....Petitioner(s)

Versus

1. State of Haryana through Secretary to Government, Haryana, Department of Health, Haryana Civil Secretariat, Chandigarh.
2. Civil Surgeon, Kaithal, office of Civil Surgeon, Kaithal, Haryana.
3. Civil Surgeon, Fatehabad, office of Civil Surgeon, Fatehabad, Haryana.
4. District Health & Family Welfare Society, Fatehabad through its Chairman, office of Civil Surgeon, Fatehabad, Haryana.

5. 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)

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 to 4 to consider the petitioners as eligible for the posts of Multi Purpose Health Worker (Male) since a condition has been imposed in the Advertisements (Annexure P-1 & P-2) that for recruitment to the post of Multipurpose Health Worker (Male) on contract basis, only the Multipurpose Health Workers Training Course / diploma done from the institutions recognized by 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. 5, 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. 5 and have issued appointment letters (Annexure P-6 to P-14) to them.

With further prayer for issuance of an appropriate writ, order or direction quashing the Advertisements (Annexure P-1 & P-2) vide which a condition has been imposed that for recruitment to the post of Multipurpose Health Worker (Male) on contract basis, only the Multipurpose Health Workers Training Course / diploma done from the institutions recognized by Haryana Government will be considered eligible ; OR issue an appropriate writ, direction or order directing the respondent 1 to 4 for declaring that all diplomas being awarded for Multipurpose Health Workers from registered

DP: 12526 *[Signature]* 19/5/12 W-3

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

- To:
- 1) State of Haryana Through Secretary to Government, Haryana, Department of Health, Haryana Civil Secretariat, Chandigarh.
  - 2) Civil Surgeon, Yamunanagar, office of Civil Surgeon, Yamunanagar, Haryana.
  - 3) Haryana Medical Council, Punjab (Regd) Mohali opposite, B.S. Hospital, SC no 37 Phase-7 Mohali, Punjab through its General Secretary.



SUBJECT :- CIVIL WRIT PETITION No. 11854 of 2012  
*Molpikat Singh vs* ....Petitioner(s)

Versus

*State of Haryana vs* ....Respondent(s)

Sir,

In continuation of this Court's order dated \_\_\_\_\_, I am directed to forward herewith a copy of order dated 9/6/12 passed by this Hon'ble High Court in the above noted Civil Writ Petition, for immediate strict compliance along with a copy of Annexure P.

Given under my hand and the seal of this Court on 8/6 day of June 2012.

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

*[Signature]*  
Superintendent (WRITS)  
for Assistant Registrar (WRITS)  
*[Signature]*

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For Private Use  
4  
Examiner, Social Department  
High Court of Punjab & Haryana  
Authorised under Section 38  
of 1972 L.E. Act.

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Civil Writ Petition No 11854 of 2012

1. Malkiat Singh son of Sh. Gurmej Singh, aged 33 years, resident of Village Rattuwalla, Post Office Sandhaura, Tehsil Bilaspur, District Yamuna Nagar, Haryana.
2. Inderjeet Singh son of Sh. Hari Singh, aged 22 years, resident of village Rampur Jattan, Post Office Choli, Tehsil Bilaspur, District Yamuna Nagar, Haryana.
3. Sanju Kumar son of Sh. Raj Pal, aged 22 years, resident of Village Salempur Kohi, Post Office Dayalgarh, Tehsil Bilaspur, District Yamuna Nagar, Haryana.
4. Rajesh Kumar son of Sh. Puran Chand, aged 37 years, resident of village and post office Machhrauli, Tehsil Bilaspur, District Yamuna Nagar, Haryana.
5. Tek Chand son of Sh. Desh Raj, aged 35 years, resident of village and post office Machhrauli, Teshil Bilaspur, District Yamuna Nagar, Haryana.
6. Satish Kumar son of Sh. Jai Kishan, aged 33 years, resident of village and post office Bakkarwala, Tehsil Chhachhroli, District Yamuna Nagar, Haryana.
7. Ravinder Kumar son of Sh. Faqir Chand, aged 30 years, resident of village Leda Khadar, Post Office Ledi, Tehsil Chhachhroli, District Yamuna Nagar, Haryana.
8. Lokesh Kumar son of Sh. Dharampal, aged 32 years, resident of village Sandhaura, Tehsil Bilaspur, District Yamuna Nagar, Haryana.

ATTESTED

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examiner of Health Department  
Haryana  
Chandigarh

9. Parveen Kumar son of Sh. Raj Kumar, aged 25 years, resident of Village Dhalaur, Tehsil Bilaspur, District Yamuna Nagar, Haryana.
10. Saleem Javed, son of Sh. Dilawar Hussain, aged 26 years, resident of Village and Post Office Sandhaura, Tehsil Bilaspur, District Yamuna Nagar, Haryana.
11. Jasbir Singh son of Sh. Surinder Singh, aged 28 years, resident of Village and Post Office Sandhaura, Tehsil Bilaspur, District Yamuna Nagar, Haryana.
12. Vijay Kumar son of Sh. Satish Kumar, aged 27 years, resident of House No. 59-ME, Bilaspur, Tehsil Jagadhari, District Yamuna Nagar, Haryana.
13. Hardev son of Sh. Balwant Ram, aged 24 years, resident of House No. 194, Dayal Puri Colony, Near ITI, Yamuna Nagar, Haryana.

.....Petitioner(s)

Versus

1. State of Haryana through Secretary to Government, Haryana, Department of Health, Haryana Civil Secretariat, Chandigarh.
2. Civil Surgeon, Yamunanagar, office of Civil Surgeon, Yamunanagar, Haryana.
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)

**Petition under Section 226/227 of the Constitution of India  
praying for issuance of an appropriate writ, order or**

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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 (Annexure P-1) that for recruitment to the post of Multipurpose Health Worker (Male) on contract basis, only the Multipurpose Health Workers Training Course / diploma done from the institutions mentioned in the Advertisement (Annexure P-1) which are 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-14 to P-22) to them and even the petitioners no. 1 to 5, 7 and 9 to 12, have already worked 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 and had been issued appointment letters dated 05.07.2011 (Annexure P-3 to P-12) by the respondent no. 2.

With further prayer for issuance of an appropriate writ, order or direction quashing the Advertisement (Annexure P-1) vide which a condition has been imposed

that for recruitment to the post of Multipurpose Health Worker (Male) on contract basis, only the Multipurpose Health Workers Training Course / diploma done from the institutions mentioned in the Advertisement (Annexure P-1) which are 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 in pursuance of the Advertisement (Annexure P-1) 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 the respondent no. 2 i.e. Civil Surgeon, Yamunanagar has got published an Advertisement in 'Dainik Jagran' newspaper published on 01.06.2012, for recruitment to the 65 posts of Multipurpose Health

TESTED

Ex-emplar submitted  
High Court of Haryana  
Chandigarh

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**Civil Writ Petition No. 11854 of 2012(O&M)**

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

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Notice of motion.

Mr. Kshitij Sharma, AAG, Haryana who is present in Court accepts notice on behalf of respondents No. 1 and 2 and waives service on them.

State of Haryana in the office of the Civil Surgeon, Yamuna Nagar, would accept the application forms, if submitted complete in all respects on 08.06.2012, the date fixed under the advertisement (Annexure P-1) is the last of date receiving applications for consideration for appointment to the post of MPHWP (Male) on contract basis for a period of six months as per out sourcing policy of Haryana Government. In case the selection process is completed before the next date, the cases of the petitioners would be considered and kept in a sealed cover. The prohibition contained in clause V of advertisement would not operate against the petitioners pending final decision of this case. Clause V prohibits candidates, to apply for appointment who have passed the qualifying examination from institutions out side the State of Haryana and not recognized by it.

Let notice be issued to respondent No. 3 for 09.07.2012.

- Process dasti only.

A copy of this order be given to learned counsel for the petitioners under the signatures of Bench Secretary of this Court.

Copy sent  
to Mr. R.S. Bains  
to Mr. R.S. Bains

Shivani Kaushik  
06<sup>th</sup> June, 2012  
R/S  
S/S

Sd/-

**[RAJIV NARAIN RAINA]**  
JUDGE

Copy  
Ex-emplar  
High Court  
Chandigarh  
Department  
of Haryana

PUNJAB AND HARYANA HIGH COURT



Copy of order  
Sachdev & ors. v. State of Haryana & ors.

CWP No. 12572 of 2012

Present:- <sup>Ms. Asha Advocate for</sup> Mr. R.S. Bains, Advocate, for the petitioners.

.. ..

Counsel for the petitioners places reliance upon similar matter involving the same question as has been raised in the present writ petition, although pertaining to a different advertisement, to contend that the petitioners who have obtained their qualifications for being eligible for appointment to the posts of Multi Purpose Health Worker (Male) from an institution out of the State of Haryana, is contrary to the law laid down by this Court in CWP No. 1272 of 2009 **Tafik Ahmed and others Versus The State of Haryana and others**, decided on 16.2.2010 (Annexure-P-5). She prays for an interim order, as has been passed by this Court in CWP No. 11854 of 2012 **Malkiat Singh and others Versus State of Haryana and others**, which is now listed for hearing on 9.7.2012.

Notice of motion for 9.7.2012.

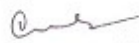
Dasti process only.

Interim order in same terms.

Copy of this order be given, under signatures of the Special Secretary attached to this Court, to counsel for the petitioners.

sd/-  
 (AUGUSTINE GEORGE MASHI)  
 JUDGE

6.7.2012  
 sjks

Attested  
  
 Special Secretary  
 Punjab and Haryana High Court  
 Chandigarh