

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) Nos.11937-11938/2020

(Arising out of impugned final judgment and orders dated 07-09-2020 in CWP No. 13692/2020 and dated 28-09-2020 in RACW No. 196/2020 passed by the High Court of Punjab & Haryana at Chandigarh)

HIMANSHU JAIN

Petitioner(s)

VERSUS

STATE OF PUNJAB &amp; ORS.

Respondent(s)

(FOR ADMISSION and I.R. and IA No.101807/2020-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.101804/2020-EXEMPTION FROM FILING O.T. and IA No.101803/2020-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 09-10-2020 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL  
HON'BLE MR. JUSTICE KRISHNA MURARI  
HON'BLE MR. JUSTICE HRISHIKESH ROY

For Petitioner(s) Mr. Rishi Jain, AOR

For Respondent(s)

UPON hearing the counsel the Court made the following  
O R D E R

The petitioner seeks to assail the vires of Clause 5 of Rule 6 of the Punjab Health and Family Welfare Technical (Group C) Service Rules, 2016 inasmuch as they seek to modify the minimum qualification for the post of Pharmacists as a Bachelor degree. It is the say of the petitioners that preceding the amendment of the Rules, in terms of the earlier Rules, 2007, the minimum qualification prescribed was of diploma. The petitioner is stated to be a diploma holder and applied in pursuance to the

advertisement dated 6<sup>th</sup> August, 2020 read with Corrigendum dated 1<sup>st</sup> September, 2020 for recruitment of Pharmacist but could not be eligible on account of not having fulfilled the minimum educational qualification as per the amended Rule.

We have heard learned counsel for the petitioner and do not find any merit in the Special Leave Petition. What the petitioner is referring to is the minimum qualification prescribed but that does not preclude the employer from providing higher qualifications. In the wisdom of the employer, they have considered appropriate to have the higher qualification of a Bachelor degree for the post of a Pharmacist and thus, it cannot be said that they are bound to continue the earlier position as per the unamended Rules when even a diploma holder would have to be considered eligible for the said post.

In view of the aforesaid, we are not inclined to interfere with the impugned order. The special leave petitions are accordingly dismissed.

Pending applications shall also stand disposed of.

(ANITA MALHOTRA)  
COURT MASTER

(ANITA RANI AHUJA)  
ASSISTANT REGISTRAR