

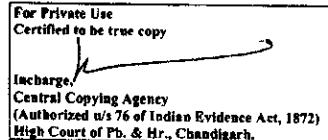
Received
29/01/2021

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IN THE HON'BLE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

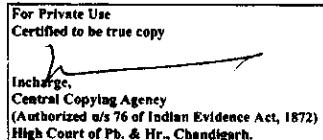
CWP No. 1679 of 2021,

1. Rajeev Gaur son of Dharampal Sharma, aged about 30 years resident of 117/2, Ghataser (284), Mahendragarh, Haryana 123001.
2. Garima daughter of Bharam Prakash Vashist, aged about 27 years, resident of House No. 171/7, Rajiv Chowk, Hans Enclave, Gurugram, Haryana.
3. Amit Kumar son of Dharampal, aged about 34 years, resident of Dhanunda (3), resident of Mahendragarh, Haryana 123 021.
4. Sapna Yadav wife of Amit Kumar, aged about 34 years resident of Dhanunda (3), resident of Mahendragarh, Haryana 123 021.
5. Nitin Barkodia son of Banwari Lal Barkodia, aged about 39 years, resident of Shankar Colony, House No. 188, Mahendragarh, Haryana 123 029.
6. Kokila Megha wife of Nitin Barkodia, aged about 40 years, resident of Shankar Colony, House No. 188, Mahendragarh, Haryana 123 029.
7. Neetu Sharma care of Dheeraj Mehta, aged about 29 years, resident of Kultajpur (155), Mahendragarh, Haryana 123 001.
8. Pankaj Kumar son of Rakesh Kumar, aged about 30 years, resident of 7013, ward No. 8, Vishal Colony, Dharuhera, NA, Dharuhera, Malpura (295), Industrial Area Dharuhera, Rewari, Haryana 123 110.
9. Sunil Kumar Isharwal son of Rajpal, aged about 33 years resident of House No. 40, Ward No. 04, Talwani (101), Bhiwani, Haryana, 127 043.



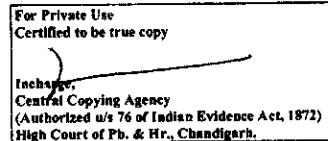
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10. Archana wife of Sunil Kumar Isarwal, aged about 33 years resident of House No. 45, Ward No. 04, Talwani (101), Bhiwani, Haryana, 127 043.
11. Kiran wife of Vikas Bhardwaj, aged about 30 years resident of Ward No. 3, Village Khera, Khera (126), Bhiwani, Haryana. 127 046.
12. Devender son of Amar Singh, aged about 31 years, resident of House No. 99, Village Sherpura, Kalod (115), Bhiwani, Haryana, 127046.
13. Sunil Sharma son of Ram Kumar, aged about 37 years, resident of Rakhi Khas (76), Hisar, Haryana, 125 039.
14. Rachna daughter of Shlv Kumar, aged about 26 years, resident of Rakhi Shahpur (81), Rakhi Shahpur, Hisar, Haryana 125 039.
15. Amit Kumar son of Satbir Singh aged about 35 years, resident of House No. 518, Sec-6P, Hansi, Hisar, Haryana 125 033
16. Ajit Kumar son of Bajrang Dass, aged about 33 years, Resident of Parbhawala (116), Hisar, Haryana 125 113.
17. Pardeep Kumar son of Suresh Kumar, aged about 33 years, resident of Tigrana (10), Tigrana, Bhiwani, Haryana – 127031.
18. Kamna Dagar wife of Rahul Singh Sangwan, aged about 34 years, resident of House No. 1930, Near Bhiwani Public School, Sector 13, HUDA, Bhiwani, Haryana 127 021.
19. Neha Rani care of Vikram Yadav, aged about 28 years, resident of SB-4, New Bharat Nagar, Near New Shiv Mandir, Bhiwani, Haryana, 127 021.
20. Jyoti care of Varender, aged about 27 years, resident of Machhroli (240), Jajjar, Haryana, 124 108.



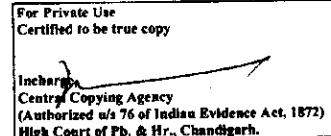
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21. Pooja wife of Manish Yadav, aged about 28 years, resident of 1, Shri Ram Nagar Vistar, Jhotwara, Jhotwara, Jaipur, Rajasthan. 302012.
22. Vikram Yadav son of Satbir Yadav, aged about 32 years, resident of SB-4, New Bharat Nagra, Bhiwani, Haryana 127 021.
23. Amit son of Suraj Mal, aged about 36 years, resident of 211-09, Jasbir Colony, Rohtak, Haryana.
24. Seema wife of Parveen Kadyan aged about 33 years, resident of Near DAV School, Kalanpura Kalan (part) (126), Rohtak, Haryana. 124113
25. Vikas son of Krishan Chandar, aged about 34 years, resident of Ward No. 18, Saraswat Brahmno Ki Gali, Village Tigrana, Tigrana (10), Bhiwani, Haryana. 127 031
26. Sandeep son of Raghbir Singh aged about 30 years, resident of Bhelpana, Gurana (20), Hisar, Haryana. 125 121
27. Alka wife of Sandeep aged about 31 years, resident of Gurana (20), Hisar, Haryana- 125121
28. Indu care of Naveen Kumar, aged about 29 years, resident of Ward No. 8, Sainik Colony, Near Balu Wali Well, Jhajjar, Haryana- 124103.
29. Jyoti Chhikara daughter of Jabbar Singh, aged about 23 years, resident of D.R-5/1, Shekhpura, Near Prince Hol, Palwal, Haryana- 121102.
30. Gaurav Kumar son of Prahlad Singh, aged about 27 years, resident of New Friends Colony, Baluda Road, Ward No. 5, Sohna, Gurugram, Haryana- 122 103.
31. Neelam Yadav wife of Parveen Kumar aged about 33 years, resident of Khalipuri (179), Majra Sheoraj, Rewari, Haryana- 123401.



41. Navneet son of Jagmal Singh, aged about 38 years, resident of Village Paintawas Khurd, Kitlana (106), Kitlana, Bhiwani, Haryana- 127 309.
42. Vineet Kumar son of Jagmal Singh aged about 34 years Resident of Village Paintwas Khurd, Kitlana Dadri, Bhiwani, Haryana- 127309.
43. Jyotsna wife of Vineet Kumar, aged about 33 years, resident of Paintawas Khurd (109), Bhiwani, Haryana- 127 309.
44. Swati daughter of Anoop Singh Sheoran, aged about 28 years, resident of 549, Gali No. 4, Near Bus Stand Karala, Karala, North West Delhi, Delhi – 110081.
45. Pinki Sharma daughter of Suresh Kumar aged about 29 years, resident of House No. 776, UE-II, Near N.Y.P.S., Hisar, Haryana- 125 001.
46. Amit Kumar son of Mange Ram, aged about 24 years, resident of Kari Rupa, Bhiwani, Haryana – 127 308
47. Atul Khatri son of Balbir Singh, aged about 32 years, resident of 402, Niwaz Nagar, Niwaz Nagar (132), Mahendragarh, Haryana- 123 001.
48. Neha daughter of Narendra Pal aged about 30 years, resident of 588/23, Khanda Road, Near Police Chowki, Gurgaon, Haryana- 122 001.
49. Munesh wife of Sandeep Kumar aged about 29 years, resident of H.No. 249, Seria, Bhiwani, Haryana. 127 028.
50. Anjuja Sheoran daughter of Anoop Singh Sheoran, aged about 30 years, resident of 549, Gali No. 4, Near Bus Stand Karala, Karala, North West Delhi, Delhi- 110081.

.....Petitioners



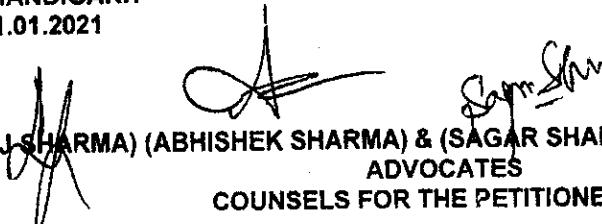
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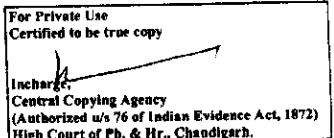
VERSUS

1. The State of Haryana through the Secretary to Government, Haryana, Department of Health and Family Welfare, Haryana Civil Secretariat, Chandigarh.
2. The Mission Director, National Health Mission (Haryana), Bays No. 55-58, Sector 2, Panchkula (Haryana).
3. The State Health Society, Haryana, through its Secretary, bays No. 55-58, Sector 2, Panchkula (Haryana).
4. The Director, Ayurveda Yoga and Naturopathy Unani, Siddha and Homeopathy (AYUSH), Near Youth Hostel, Sector 3, Panchkula, Haryana.

.....Respondents

PLACE:CHANDIGARH
DATED: 21.01.2021


(LEKH RAJ SHARMA) (ABHISHEK SHARMA) & (SAGAR SHARMA)
ADVOCATES
COUNSEL FOR THE PETITIONER

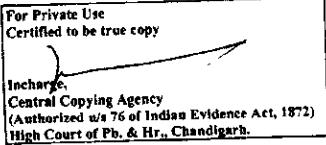


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Civil Writ petition under Article 226/227 of the Constitution of India praying for issuance of a writ of appropriate nature particularly in the nature of Certiorari seeking partial quashing of the notification No. 1/2020-21(HWC-CP)/7026 dated 28.12.2020 (Annexure P-3) vide which condition of holding six months mid-level health providers Bridge Course program on certificate in community health for nurses (BPCCCHN) from IGNOU or any state university/institution has been imposed to apply for the post of MLPH's-cum-CHO's upon the petitioners who are the degree holders of B.A.M.S. doctors;

AND

Writ of Mandamus directing the respondent to accept the online application of the petitioners for the post of Mid-Level Health Providers-cum-Community Health Officers (MLPH's -cum-CHO's) which are invited on contract basis under National Health Mission for providing comprehensive primary health care services at Sub-Centre Level (Health And Wellness Centre) in 15 District of state of Haryana and also allow them to sit in written examination and process their applications further in accordance with the law without pressing upon the certificate of BPCCCHN;



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AND/OR

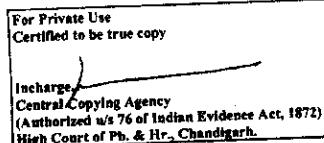
It is further prayed that during the pendency of the writ petition, ad interim direction be issued to accept their application without pressing upon the certificate of BPCCHN and allow them to sit in the examination and further process;

AND/OR

To pass any writ, order or direction which this Hon'ble High Court may deem fit including stay Advertisement notice (P3) dated 28.12.2020 and proper in the peculiar facts and circumstances of the present case and writ petition be allowed with cost.

RESPECTFULLY SHOWETH:-

1. That the petitioners are the resident of various Districts of Haryana and Citizens of India and all are qualified B.A.M.S. Doctors duly registered with Council of Indian Medicines (Haryana). They are aggrieved for the imposition of the condition of having six months Mid-Level Health Provider's Bridge Course program on certificate in community health for nurses (BPCCHN) for applying the post which was not there in the past and such they are having cause of action and are entitled to invoke the extra ordinary writ jurisdiction of this Hon'ble High Court under article 226/227 of The Constitution of India.
2. That the petitioners after completing their education i.e. 10+2, did their degree of B.A.M.S. (Bachelor of Ayurvedic Medicine & Surgery) from their respective institutes. It is a 5 ½ years course as in 4 ½ years the course is completed and internship of 1 year are necessary. It is submitted that after completing B.A.M.S degree, it is necessary to do internship in Allopathic as well as Ayurvedic sides.



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RAJEEV GAUR AND ORS
V/S
STATE OF HARYANA AND ORS

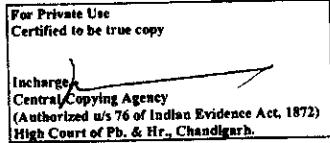
Present:- Mr. Lekh Raj Sharma, Advocate
for the petitioners.

The matter has been taken up through Video conferencing on account of outbreak of pandemic COVID-19.

Learned counsel for the petitioners submits that online applications of the petitioners for the post of Mid-Level Health Providers-cum-Community Health Officers (MLPH's-cum-CHO's) on contract basis under national Health Mission for providing comprehensive primary health care services at Sub-Centre Level (Health and Wellness Centre) are not being accepted by the respondents and has sought to lay challenge that the petitioners hold degree of B.A.M.S. of duration of 5 ½ years out of which they have already completed 4 ½ years and only 01 year of internship remains to be undergone and being registered with their respective Council of Indian Medicine (Haryana) are duly qualified to apply and participate in the selection procession.

Heard.

Notice of motion for 03.03.2021.



CWP-1674-2021

-2-

In the meanwhile, respondents shall accept the online applications made by the petitioners and keep them separately and carry on with the process of short listing.

However, this will not bestow upon the petitioners any right to claim admission in pursuance of this order which will be subject to final outcome of this writ petition.

(FATEH DEEP SINGH)

January 27, 2021

amit rana

JUDGE

Mar 10/52



Mar 10/52
Loyalty

Mar 11/52

Mar 12-12-52

Q1
Q2

Date of Delivery of copy

Date of Preparation of document

Date of Submission of document

Date of Dispatch of document

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Signature of Officer

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