
(2011) 07 SHI CK 0026
In the High Court Of Himachal Pradesh
Case No : CWP (T) No. 8891 of 2008

Krishan Lal and Another

APPELLANT

Vs

State of H.P. and Others

RESPONDENT

Date of Decision : 20-07-2011

Acts Referred:

Citation : (2011) 07 SHI CK 0026

Hon'ble Judges : Kurian Joseph, C.J;V.K. Sharma, J

Bench : Division Bench

Judgement

Kurian Joseph, C.J.—The writ petition is filed with the following prayers:

- i) That the impugned annexures:A-4 & A-5, dated 27.9.2002 & 30.9.2002 respectively may be quashed and set aside, whereby qualification of +2 instead of matriculation has been prescribed;
- ii) That the Respondents may be directed to impart training of Veterinary Pharmacists to the members of the applicant Federation and to promote them to the posts of Veterinary Pharmacists on the basis of qualification of Matriculation against 150 vacancies, which fell in their quota of 25%;
- iii) That the Respondents may be directed not to amend the Recruitment & Promotion Rules of Veterinary Pharmacists called "the Himachal Pradesh Animal Husbandry Department, Veterinary Pharmacist (Class-III, Non-Gazetted) Recruitment and Promotion Rules, 2002" by altering the minimum qualification of Matriculation to +2 to the detriment of members of the applicant Federation.

2. In the reply at paragraph-3, it is stated as follows:

Para 3: In reply to this para it is submitted that annexures at A-4 & A-5, have been issued to impart Veterinary Pharmacist Training and not for the recruitment of Veterinary Pharmacists. This whole process is only intended to impart Veterinary Pharmacists Training Course on self-financing basis, which is not to be construed as recruitment of Vety. Pharmacists in the Department of Animal

Husbandry. Therefore, the question of adhering to old recruitment and promotion Rules does not arise on the present context, since recruitment is not the issue here. Therefore, No. provisions of R & P rules are attracted, since Respondents are not doing any recruitment/promotions but are sponsoring persons for Veterinary pharmacists training Course only. It is wrong and denied that after getting training of Veterinary Pharmacist Course, the applicants will be promoted to the posts of Veterinary Pharmacists. In this regard it is relevant to point out here that it is made very much clear in the advertisement at Annexure A-4, that there is No. liability of the Animal Husbandry Department to give employment to the candidates after passing the Veterinary Pharmacist training course. The Government has approved certain guidelines for selection of candidates for the Veterinary Pharmacists Training Course, wherein, the qualification of 2 the inservice as well as the direct candidates have been raised from matric to plus two and the reservation of Cass-IV, inservice candidates has been lowered to 12.5%. These guidelines approved by the Government are only for the selection of candidates for Veterinary Pharmacists Training Course and has No. relevancy/ concern in the recruitment of Veterinary Pharmacists. Recruitment of Veterinary Pharmacist and training of Veterinary Pharmacists are two distinct aspects and have got No. Co-relation with regard to the R & P rules for the posts of Veterinary Pharmacists. It is pertinent to mention here that the Veterinary Dispensaries are being run by the Veterinary Pharmacists, who are also the Incharge of the Dispensaries, therefore, the importance of these posts is increased many folds and the persons of good caliber are needed. So that the work of the dispensaries can run efficiently. Further, the syllabus for the Veterinary Pharmacists Training course is of such a standard that a persons possessing educational qualification lesser than plus two can hardly successfully cope-up with the training course. Moreover, there is No. inherent and legal right of class-IV employees to be sponsored for the Veterinary Pharmacists Training. It is for the Government to see how many class-IV employees are to be sponsored for the training, keeping in view the exigency of service. The Department is already under staffed as for as Class-IV employees are concerned. In case the reservation quota for Veterinary Pharmacist Training Course in class-IV, staff is kept at 25% of the total seats, it will be impossible for the Government to run the day to day work of the Veterinary Institutions smoothly and the working of the institutions would be stalled as most of the employees will vacate the posts temporarily for undergoing two years veterinary Pharmacists Training Course. It will not be out of context to mention here that under the existing provisions of R & P rules for the posts of clerk, there is a reservation quota of 10% employees to the post of clerks i.e. Class-III and as such to retain 25% quota for Veterinary Pharmacist training course does not appear to be justified. Therefore, the reservation quota for class-IV employees for Vety. Pharmacists Training course has been lowered to 12.5% in the public interest by taking a policy decision.

3. There is No. rejoinder as yet. In view of the reply as above and in view of the intervening developments, pursuant to the interim order dated 15.11.2002, in

case the Petitioners have still any grievance left, they may approach the first Respondent, in which case the first Respondent will look into the matter and take appropriate action in accordance within another four months.

4. The writ petition is disposed of, so also the pending application (s), if any.