
(1987) 07 P&H CK 0018
In the Punjab And Haryana At Chandigarh
Case No : L.P.A. No. 209 of 1987

State of Punjab and Others	Vs	APPELLANT
Anita Madan and Another		RESPONDENT

Date of Decision : 23-07-1987

Acts Referred:

Citation : AIR 1988 P&H 233

Hon'ble Judges : M.R. Agnihotri, J; D.S. Tewatia, J

Bench : Division Bench

Judgement

D.S. Tewatia, J.—Respondent Dr. Anita Madan, a P.C.M.S. Grade-II Officer in the Medical Service of the State of Punjab, was denied admission to the Post Graduate M. D. Course in the Medical College, Amritsar. by the Principal although admission was granted to similar officers, but with lesser percentage of marks in the M.B.B.S. The admission was denied to her on the ground that she did not have to her credit two years' regular rural service in that she was having only 1 year and 10 1/2 months' regular service and that she was not entitled to add to it her ad hoc rural service rendered by her before that, to make up the period of two years. The Principal of the Medical College took this view despite the fact that the Civil Surgeon, Amritsar, had issued a requisite certificate regarding the rural service.

2. The respondent has challenged the action of the Principal in this Court on the writ side on the ground that once her service became regular her entire service had to be counted as a regular service and when so counted she fulfilled the requisite requirement of qualification of two years' regular rural service. Her contention found favour with this Court and writ petition was allowed and the appellant herein was directed to permit her to join the Post Graduate Course. This order has been impugned by the appellant through the present Letters Patent Appeal.

3. With respect, we entirely concur in the view that the learned single Judge has taken on first principle on the construction of the language of the notice of

advertisement and the application form. We would only like to add that there was also on the record the instructions of the Director, Research and Medical Education, Punjab, Chandigarh, issued on 19th December, 1986(Annexure P3),.which are to the following effect :--

"....." Ad hoc service without any break and continuous with regular service will be counted as experience."

4. Perusal of the above would show that ad hoc service without any break and continuous with regular service was to be counted as an experience. This had been said in the context of the admission to Post Graduate Diploma Course, to which the respondent herein had sought admission.

5. The aforesaid instructions were obviously meant to clarify the position and remove any ambiguity or doubt as to the intent of the Government in regard to the kind of experience of the rural service envisaged by the Authorities when they issued the advertisement and prescribed the requisite form of admission. in question.

6. The learned single Judge's interpretation of the requisite contents of the form prescribing the requirement of regular rural service was clearly in keeping with the intent behind the prescription of such an experience by the Government, which the Authorities made clear by the instructions contained in Annexure P-3.

7. In the face of these instructions, the Principal was wrong in denying admission to respondent Dr. Anita Madan.

8. We, therefore, find no merit in this appeal and dismiss the same with costs, which are assessed at Rs. 500/- .

9. Appeal dismissed.