



2026:CGHC:12618-DB

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****WPS No. 8548 of 2025**

- 1** - Rahul Verma S/o Mr. Mahesh Kumar Verma Aged About 38 Years R/o House No.-305, Block - D, Chhuganni Pride, Chanorabhata, District - Raipur, Chhattisgarh
- 2** - Trilok S/o Mr. Jiwdhan Aged About 24 Years R/o House No.-199, Ward No.- 13, Thaku Para, Khundani, P.O. - Khundani, District - Balod, Chhattisgarh
- 3** - Mahesh Chandravanshi S/o Mr. Ram Sharan Chandravanshi Aged About 26 Years R/o Bhareli, Near Atal Chowk, Kharhatta, District - Kabirdham, Chhattisgarh
- 4** - Atul Kumar S/o Mr. Dular Singh Thakur Aged About 26 Years R/o Ward No.-10, Chataripara, Ufra, District - Durg, Chhattisgarh
- 5** - Abhishek Sonwani S/o Manoj Kumar Sonwani Aged About 25 Years R/o 102, Ward No.-12, Jai Stambh Guru Ghasidas Chauk, Govindvan, Govindban, District Balodabazar-Bhatapara, Chhattisgarh
- 6** - Kushagra Chandrakar S/o Rakesh Chandrakar Aged About 24 Years R/o Ward No.-03, Bangla Para, Main Road Makan No.-48, Tumgaon, District - Mahasamund, Chhattisgarh
- 7** - Ranu Tai Thakre D/o Mayaram Thakre Aged About 28 Years Karan Nagar, Changorabhata, District - Raipur, Chhattisgarh
- 8** - Hawan Kumar S/o Mantri Prasad Aged About 26 Years R/o Ramhepur Kurd, Rawweli, District - Kabirdham, Chhattisgarh
- 9** - Kuleshwar S/o Punit Ram Sahu Aged About 27 Years R/o Ward -15, Bajar Chowk, Kolar, , District - Raipur, Chhattisgarh
- 10** - Sooraj Kumar Ladel S/o Manharan Ladel Aged About 28 Years R/o Jhadutola, P.O.- Singangarh, District - Kabirdham, Chhattisgarh
- 11** - Shiva Chandrakar S/o Trilochan Chandrakar Aged About 30 Years R/o House No.-51, Ward No.-03, Dr. Rajendra Prasad Banglapara, Tumgaon, District - Mahasamund, Chhattisgarh

... Petitioners**versus**



1 - State of Chhattisgarh Through The Secretary, Department Of Health And Family Welfare and Medical Education, 03rd Floor, Mahanadi Bhawan Sector, Nava Raipur, Atal Nagar, Chhattisgarh – 492002

2 - Chhattisgarh Professional Examination Board Vyapam Bhawan, North Block, Sector-19, Atal Nagar, New Raipur, Chhattisgarh

3 - National Health Mission Through Its Mission Director, Swasthya Bhawan, 3rd Floor, Sector-19, Nava Raipur, Atal Nagar, Chhattisgarh – 492002

4 - The Chief Medical and Health Officer District - Gariyaband, Chhattisgarh

5 - The Chief Medical and Health Officer District - Bemetara, Chhattisgarh

6 - The Chief Medical And Health Officer District - Bijapur, Chhattisgarh

7 - Directorate of Health Services Through its Director, 3rd Floor, Indrawati Bhawan, Nava Raipur, Atal Nagar, Chhattisgarh - 492002

... Respondents

For Petitioners : Mr. Harshwardhan Parghania, Advocate
For Respondent Nos. 1 : Mr. Prasun Bhaduri, Deputy Advocate
& 4 to 7/State : General
For Respondent No. 2 : Mr. Animesh Tiwari, Advocate.
For Respondent No. 3 : Mr. Kaushal Yadav holding brief of
Mr. C. Jayant K. Rao, Advocate

Hon'ble Mr. Ramesh Sinha, Chief Justice
Hon'ble Mr. Ravindra Kumar Agrawal, Judge

Order on Board

Per Ramesh Sinha, Chief Justice

17.03.2026

1. Heard Mr. Harshwardhan Parghania, learned counsel for the petitioners. Also heard Mr. Prasun Bhaduri, learned Deputy Advocate General, appearing for the State/ respondent Nos. 1 and 4 to 7, Mr. Animesh Tiwari, learned counsel, appearing for respondent No.2- CGVYAPAM and Mr. Kaushal Yadav holding brief of Mr. C.Jayant K.Rao, learned counsel appearing for respondent No.3-National Health Mission.



2. The present petition has been filed by the petitioners under Article 226 of the Constitution of India challenging the legality, validity and propriety the advertisement dated 30/06/2025 (Annexure-P-2) issued by the Respondent No.2, whereby the essential qualification for the post of Pharmacist (Grade-II) has been restricted solely to candidates possessing a Diploma in Pharmacy, thereby excluding candidates holding a Degree in Bachelor of Pharmacy (B-Parma) or any other equivalent or a higher qualification from applying for the said post, despite being duly registered with the Pharmacy Council and being fully qualified. The petitioner further challenges the vires of Entry No.08 to Schedule-III of the Chhattisgarh Health and Family Welfare Department Non-Ministerial Para-Medical and Nursing (Directorate of Health Services) Class III Service Recruitment Rules, 2013 which prescribes such restrictive eligibility criteria in terms of academic qualification and thus the petitioners have prayed for the following reliefs :-

“10.1 declare that the Entry No. 08 to Schedule – III of the Chhattisgarh Health and Family Welfare Department Non-Ministerial Para-Medical and Nursing (Directorate of Health Services) Class III Service Recruitment Rules, 2013 may be declared as ultra vires, to the extent that it restricts the eligibility for the post of Pharmacist only to the Diploma holders and excludes Pharmacy Graduates (Degree holders)and thus, unconstitutional for being violative of Articles 14 and 16 of the Constitution of India, 1950;

10.2. issue an appropriate writ directing the Respondent/State to also include "Degree in Pharmacy" as a requisite qualification in Entry No. 08



to Schedule III of the Chhattisgarh Health and Family Welfare Department Non-Ministerial Para-Medical and Nursing (Directorate of Health Services) Class III Service Recruitment Rules, 2013;

10.3. quash the Advertisement dated 30.06.2025 (Annexure-P/2), issued by Respondent No. 07 for arbitrarily excluding the candidates holding the Bachelor's Degree in Pharmacy from applying for the notified post of Pharmacist (Grade-II);

10.4. direct the Respondent No. 07 to revise the eligibility criteria of the Impugned Advertisement dated 30.06.2025 by prescribing minimum qualification in such a manner that it includes both diploma and degree in pharmacy, in parity with other State and NHM recruitments, in the interest of justice;

10.5. Any other orders or directions, as this Hon'ble Court may deem just and proper in the facts and circumstances of the case.”

3. On 25.07.2025, this Court had passed the following order :-

“Heard Mr. Harshwardhan Parganiya, learned counsel for the petitioners as well as Mr. Prafull Bharat, learned Advocate General assisted by Mr.S.S.Baghel, learned Deputy Government Advocate appearing for the respondents No.1 and 4 to 7/State and Mr.Animesh Tiwari, learned counsel appearing for respondent No.2-CGVYAPAM and Mr.C.J.K.Rao, learned counsel appearing for respondent No.3-National Health Mission.

Learned counsel for the petitioners submits that the petitioners have filed this writ petition against the advertisement dated 30.06.2025 issued by respondent No.3, whereby the essential qualification for the post of Pharmacist (Grade-II) has been restricted solely to the candidates possessing a Diploma in Pharmacy, thereby excluding the candidates holding a Degree in Bachelor



*of Pharmacy (B. Pharma) or any other equivalent or a higher qualification from applying for the said post, despite being duly registered with the Pharmacy Council and being fully qualified. He further submits that the petitioners further challenges the vires of Entry No. 08 to Schedule-III of the Chhattisgarh Health and Family Welfare Department Non-Ministerial Para-Medical and Nursing (Directorate of Health Services) Class III Service Recruitment Rules, 2013 ("Service Recruitment Rules, 2013") which prescribes such restrictive eligibility criteria in terms of academic qualification. He also submits that the impugned advertisement and the relevant provisions contained in the Service Recruitment Rules, 2013, by treating "Diploma" as the sole or 'prescribed' qualification rather than the minimum qualification, amount to a manifestly arbitrary classification, lacking intelligible differentia or any rational nexus with the object of recruitment, thereby violating the fundamental rights of the petitioners guaranteed under Articles 14 and 16 of the Constitution of India, 1950. The exclusion of graduates possessing higher qualifications from consideration is not only unreasonable but also ultra vires the constitutional scheme and the principles of fair and equal opportunity in public employment. He places reliance on the judgment of the Apex Court in *Puneet Sharma & Others etc. v. Himachal Pradesh State Electricity Board Ltd. & Another* {C.A. No. 1318-1322 of 2021} wherein the Apex Court had directed the State to allow the degree holders to participate in the recruitment process and further to process candidature of all applicants, including the degree holders who participated.*

Mr. Prafull N. Bharat, learned Advocate General



submits that at present, he is not having any instructions in the matter and as such, he may be permitted to seek instructions and file appropriate return.

Since learned Advocate General appears on behalf of the State/respondents No. 1 and 4 to 7 as well as Mr.Animesh Tiwari, learned counsel appears on behalf of respondent No.2-CGVYAPAM and Mr.C.J.K.Rao, learned counsel appears on behalf of respondent No.3-National Health Mission, issuance of notice to the respondents are dispensed with.

As prayed, learned State counsel as well as learned counsel for the respondent-CGVYAPAM are granted four weeks' time to file their respective returns and thereafter, two weeks' further time is granted to the petitioners to file rejoinder, if so advised.

Considering the fact that since the last date for submission of the online form in the portal of the CGVYAPAM is upto 5 p.m. of 25.07.2025, the respondent- State is directed to issue necessary instruction to the respondent-CGVYAPAM who has to conduct the examination, to make necessary changes/amendments in the online portal for the intending candidates / participants of the examination in question for submission of their online forms and the petitioners are at liberty to submit their forms in the online portal, however, their participation shall be subject to the final out come of the present petition.

*It is made clear that **this order would operate in rem and not in personam** and would be applicable to all the similarly situated candidates having Degree in Bachelor of Pharmacy (B. Pharma) or any other*



equivalent or a higher qualification, subject to the condition that they fulfill other requisite criteria as may be prescribed by the respondent Department in the advertisement in question.

Learned Advocate General shall convey about the order passed by this Court today to respondent No.2 as it is stated that today is the last date for submission of online forms by the candidates and respondent No.2 may extend the date further.

List this matter after six weeks for final hearing.”

4. At the outset, learned State counsel submitted that in compliance of the Court's order dated 25.07.2025, respondent No.7, Directorate of Health Services, by way of letter dated 08/08/2025 has informed the Controller of the Examination/respondent No.2 that it has been decided that according to the Committee constituted to look into the qualification of Pharmacy Grade II Recruitment, the qualification of Diploma in Pharmacy, Bachelor of Pharmacy and Master of Pharmacy has been included. Thus, the grievance of the petitioners that Pharmacy Graduate (Degree Holders) have been excluded stands redressed and now in the light of the letter dated 08/08/2025 persons having Bachelor Degree and Master Degree in Pharmacy can also participate in the examination. Copy of the letter dated 08.08.2025 is annexed herewith as Annexure- R-1. He also submitted that in view of the interim order granted by this Court on 25.07.2025 as also in view of the inclusion of the Graduate Degree holders being made eligible for examination, respondent No.2 has come up with a



fresh roster of examination wherein, the examination for the post of Pharmacist Grade-II is scheduled to be tentatively held on 12.04.2026, as such, the relief sought for by the petitioners has been substantially granted, therefore, the present writ petition has been rendered infructuous.

5. Learned counsel for the petitioners submitted that so far as prayer clause Nos. 10.3 and 10.4 are concerned, they have been redressed, but so far as prayer clause Nos. 10.1 and 10.2 they have not yet been redressed. He also submitted that the similar issue had already been decided by this Court in WPS No. 1983 of 2025 (***Arvind Kumar & Others Vs. State of Chhattisgarh & Others***) & batch of petition vide order dated 03.07.2025 though in a similar set of fact and for different post and for different examination, but the same kind of entries have already been declared *ultra vires*, so he prayed that the Entry No. 08 to Schedule – III of the Chhattisgarh Health and Family Welfare Department Non-Ministerial Para-Medical and Nursing (Directorate of Health Services) Class III Service Recruitment Rules, 2013 may be declared as ultra vires, to the extent that it restricts the eligibility for the post of Pharmacist only to the Diploma holders and excludes Pharmacy Graduates (Degree holders) and thus, unconstitutional for being violative of Articles 14 and 16 of the Constitution of India, 1950 and to direct the Respondent/State to also include "Degree in Pharmacy" as a requisite qualification in Entry No. 08 to Schedule III of the



Chhattisgarh Health and Family Welfare Department Non-Ministerial Para-Medical and Nursing (Directorate of Health Services) Class III Service Recruitment Rules, 2013 because these are the prescribed rules, which are in every time whenever the advertisements are issued, the same are relied upon and on every occasion the same issue will arise.

6. We have heard learned counsel for the parties and perused the materials available on record.
7. It is not in dispute that initially by advertisement dated 30.06.2025, the respondents had restricted the eligibility for the post of Pharmacist (Grade-II) only to candidates possessing Diploma in Pharmacy, thereby excluding candidates having higher qualifications such as Bachelor of Pharmacy and Master of Pharmacy.
8. During the pendency of the present petition, in compliance of the interim order dated 25.07.2025 passed by this Court, the respondent authorities have issued a communication dated 08.08.2025 whereby candidates possessing Degree and Postgraduate qualifications in Pharmacy have also been made eligible to participate in the recruitment process. Consequently, prayer clauses 10.3 and 10.4 of the petition stand satisfied and rendered infructuous.
9. However, the challenge to Entry No. 08 of Schedule-III of the Chhattisgarh Health and Family Welfare Department Non-



Ministerial Para-Medical and Nursing (Directorate of Health Services) Class III Service Recruitment Rules, 2013 still survives.

10. This Court finds substance in the submission of learned counsel for the petitioners that prescribing 'Diploma in Pharmacy' as the sole qualification, to the exclusion of higher qualifications such as Degree and Postgraduate qualifications in Pharmacy, is arbitrary and violative of Articles 14 and 16 of the Constitution of India. Exclusion of candidates possessing higher qualifications, despite being duly registered and otherwise eligible, does not have any rational nexus with the object sought to be achieved.
11. This issue is no longer res integra in view of the judgment passed by this Court in *WPS No. 1983 of 2025 (Arvind Kumar & Others Vs. State of Chhattisgarh & Others)* decided on 03.07.2025, wherein similar restrictive provisions were held to be unsustainable in law.
12. In view of the above and considering that even the respondents have now permitted Degree and Postgraduate holders to participate in the recruitment process, the impugned rule to the extent it restricts eligibility only to Diploma holders cannot be sustained.
13. Accordingly, Entry No. 08 to Schedule-III of the Chhattisgarh Health and Family Welfare Department Non-Ministerial Para-Medical and Nursing (Directorate of Health Services) Class III Service Recruitment Rules, 2013 is declared **ultra vires** to the



extent it restricts eligibility for the post of Pharmacist only to Diploma holders and excludes candidates possessing higher qualifications such as Bachelor of Pharmacy and Master of Pharmacy.

14. The respondents/State are directed to suitably amend the aforesaid Rules by including Degree and higher qualifications in Pharmacy as eligible qualifications for the post of Pharmacist (Grade-II), within a reasonable period.
15. It is made clear that the benefit of this order shall be available to all similarly situated candidates.
16. The writ petition is **partly allowed** to the extent indicated hereinabove. No order as to costs.

Sd/-
(Ravindra Kumar Agrawal)
Judge

Sd/-
(Ramesh Sinha)
Chief Justice