

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1999 of 2015

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1. Jagdish Sahu Son of Late Rameshwar Sahu Resident of Village - Muzaffra, P.S. - Birpur, District - Begusarai.
 2. Sharda Bhushan Kumar Son of Late Pramod Prasad Kumud, Resident of Village - Sanha East, P.S. - Sahebpur Kamal, District - Begusarai.
 3. Anil Kumar Son of Sri Upendra Narayan Mahto Resident of Village - Bhirha, P.S. - Rosera, District - Samastipur.
 4. Ram Vinay Sharma Son of Late Saryug Sharma, Resident of Village - Karjan, P.S. - Bhagwanpur, District - Begusarai.
 5. Raj Kumar Rakesh Son of Late Ram Sagar Mahto, Resident of Village Jaipatti, Ward No. 13, P.s. - Dalsingsarai, District - Samastipur.
 6. Madan Kumar Sah Son of Ramdeo Sah Resident of Village - Hadipur, P.S. - Bachhwara, District - Begusarai.
 7. Santosh Kumar Paswan Son of Late Gurudeo Paswan Resident of Village - Panjiartoli, Ward No. 11, P.S. - Rosera, District - Samastipur.
 8. Naieem Hussain Son of Md. Niyamul Hussain, Resident of Village - Narepur, P.S. - Bachhwara, District - Begusarai.
 9. Avinash Kumar Son of Sri Bindeshwari Sah Resident of Village - Jagatpur, P.s. - Matihani, District - Begusarai.
 10. Anil Prasad Son of Sri Ram Chandra Prasad, Resident of Village- Badia, P.S. - Bhagwanpur, District - Begusarai.
 11. Ram Charan Malakar son of Late Bindeshwari Malakar, Resident of Village - Bhawanandpur (Malitol), P.S. - Birpur, District - Begusarai.
 12. Fulena Kumar @ Fulena Kumar Rai Son of Late Pako Rai Resident of Village - Paharchak, P.S. - Muffasil, District - Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Health, Family and Welfare, Government of Bihar, Patna.
2. State Health Society, Bihar through its Executive Director cum Secretary, Department of Health, Family and Welfare, Parivar Kalyan Bhawan, Sheikhpura, Patna, Government of Bihar, Patna.
3. The Executive Director cum Secretary, Department of Health, Family and Welfare, Parivar Kalyan Bhawan, Sheikhpura, Patna Government of Bihar, Patna.
4. The Senior Deputy Collector cum Nodal Officer, Parivar Kalyan Bhawan, Sheikhpura, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sushil Kumar Jha

For the Respondent/s : Mr. SC26- AMAR NATH DEO

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 02-04-2015

A K Tripathi, J.

Whatever be the degree/diploma which the petitioners have,



if the same does not come within the ambit of the essential qualification, which has been laid down in the advertisement, contained in Annexure-1 or the corrigendum, contained in Annexure-2, no right can be created in favour of the petitioners and no direction is required to be issued in favour of the petitioners for consideration or appointment as a Pharmacist.

2. Even the petitioners do not dispute that in terms of the advertisement, B. Pharma from any recognized University was the essential qualification. In addition to that, registration was equally necessary and if they do not fulfil the first requirement they can never be eligible even for registration.

3. It is not open for this Court to interpret or recognize various kinds of diplomas which these petitioners have obtained, may be from recognized or unrecognized institutions. Any recruitment has to be made strictly in conformity with the eligibility which is laid down by the employer and the same ought not to be diluted by judicial intervention.

4. The next reason why the claim of the petitioners has to be rejected is that after verification it was found that they all have diploma in some kind of pharmacy which is known as “*kalpak*”.

5. The Court wishes the petitioners, all the best, for the knowledge they have acquired but cannot help them with appointment

under the State with a qualification they do not have in terms of eligibility.

6. Writ application is dismissed.

R.K.Pathak/-

(Ajay Kumar Tripathi, J)

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