

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10255 of 2015

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1. Pritam Singh son of late Prayag Singh, resident of Old Kankarbagh, Gate NO. 14, Lohia Nagar, P.S.- Patrakar Nagar, Town + District- Patna.
 2. Anil Prasad, son of late Ram Bali Ram, resident of Kazipur Peepal Tar, naya Tola, P.S.- Kadamkuan, Town + District- Patna.
 3. Arun Kumar Ojha, son of late Jagdish Ojha, resident of New Quarter, P.M.C.H., P.S.- Pirbahore, Town + District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Department of Health, Government of Bihar, New Secretariat, Patna.
3. The Director-in-Chief, Health Services, Government of Bihar, Patna.
4. The Superintendent, Patna Medical College and Hospital, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjeet Kumar Singh, Advocate.

For the Respondent/s : Mr. Prasoon Sinha, GA 2

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL JUDGMENT

2 28-07-2015

Heard learned counsel for the parties.

2. Having regard to the fact that the petitioners are ambitious and also desirous to be appointed on the post of E.C.G. Technician in Patna Medical College and Hospital, Patna by way of their absorption/regularisation in service, this Court, on noticing that they do not have the prescribed qualification laid down for the post of E.C.G. Technician, cannot issue a mandamus for their appointment even by way of regularisation/absorption.

3. It has to be kept in mind that the post of E.C.G. Technician has to be filled up by way of direct recruitment and the

persons like the petitioners initially appointed on Class-IV posts i.e. Male Ward Attendant, Bearer and Cook, had no right to claim such post even by way of absorption. If and when, the post will be advertised by the respondents for filling up the post of E.C.G. Technician, the petitioners, if they are qualified, will also have a chance for being considered along with other eligible candidates.

4. The reliance placed by the learned counsel for the petitioners on an order of this Court dated 07.02.2008 in C.W.J.C. No. 12420 of 2000 is wholly misplaced inasmuch as that was not for the post of E.C.G. Technician, which is a technical post. Moreover, it is only the ratio of the judgment, which lays down any law, can be treated as precedent. Any individual direction in a particular case can not become a reason for issuance of a direction in other cases. Reference in this connection can be usefully made to the judgment of the Apex Court in the case of ***State of Bihar Vs Upendra Narayan Singh*** reported in ***(2009) 5 SCC 65***.

5. That being so, this writ application fails and is, accordingly, dismissed.

Sujit/-

(Mihir Kumar Jha, J)

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