

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.4647 of 2015

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1. Prabhunath Ojha, S/o- Sri Deo Kumar Ojha, Lecturer, Dayanand Ayurvedic College, Siwan, R/o Village- Mashrak Nehru Tola, P.O- Mashrak, P.S.- Mashrak, District- Saran, Bihar.

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary Bihar, Patna.
2. Principal Secretary, Department of Health Bihar, Patna.
3. Joint Secretary, Department of Health Education, Bihar, Patna.
4. The Director (Desi Chikitsa) Department of Health, Bihar, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Radhesh Kumar Sharma

For the Respondent/s: Mr. MANOJ KR. AMBASTHA, GP 14

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 07-04-2015

A K Tripathi, J.

The reason for rejection of the claim of the petitioner for appointment on the post of a Reader in Ayurvedic College is evident from reading of the remarks column and the reason indicated therein against the name of the petitioner.

2. As per the advertisement, contained in Annexure-1, for the post of a Reader, teaching experience of 5 years was mandatory. On the date of interview petitioner did not have 5 years of teaching experience. Therefore, he was shown to be ineligible due to lack of teaching experience for the post of a Reader.

3. Counsel for the petitioner submits that he has gained eligibility during the preparation of the panel and if he was ineligible on the very first place, he should not have been allowed to participate in the walk-in interview in terms of the advertisement, contained in Annexure-1.

4. Omission on part of the concerned authority does not create right in

favour of the petitioner for consideration if he lacked the basic eligibility. The eligibility must be in place on the date of the interview which was fixed as per the advertisement. Merely because time was taken in preparation of the panel, it does not mean that the eligibility acquired subsequently will come to the rescue of the petitioner.

5. Even otherwise, such selection was required to be made for a period of one year on contract and it was not a permanent appointment under the State. I am sure there will be similar opening if not better opening available to the petitioner and next time his ineligibility will not come in the way.

6. Writ application is otherwise dismissed.

(Ajay Kumar Tripathi, J)

R.K.Pathak/-

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