

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7701 of 2015

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1. Madhukar. Son of Dr. Ramesh Chandra Sharma, R/village - 301, Atul Vilas Kunj Kidwaipuri, Patna-1, P.S.- Budha Colony, District - Patna.
 2. Rajeev Ranjan, Son of Lal Babu Singh, R/o Mohalla - Balutal, West of Kalu Lodge, P.S.- Motihari, District - Motihari.
 3. Pinku Kumar, Son of Sri Suresh Prasad, R/o Village - Adhpa, P.O.- Shorampur, P.S.- Janipur, District - Patna.
 4. Pramod Kumar, Son of Sri Rameshwar Prasad, R/o Mohalla - Saidpura, P.S.- Khagaul, District - Patna.
 5. Ratish Kumar, Son of Sri Nagendra Thakur, R/o Village + Post - Bhandar, P.S.- Dhaka, District - Motihari.
 6. Anjay Kumar, Son of Ram Pukar Prasad, R/o Village + Post + P.S.- Shakurabad, District - Jehanabad.
 7. Bachcha Babu, Son of Wazir Hasan Betab, R/o Village - Bairiya, Ward No.09, Post - Kolhuapaighamberpur, P.S.- Ahiyapur, District - Muzaffarpur.. **Petitioners**

Versus

1. The State of Bihar, through the Principal Secretary, Health Department, Government of Bihar, Patna.
 2. The Principal Secretary, Health Department, Government of Bihar, Patna.
 3. The Bihar Public Service Commission through its Secretary, 15, Jawahar Lal Nehru Marg Patna.
 4. The Chairman, Bihar Public Service Commission, 15, Jawahar Lal Nehru Marg Patna.
 5. The Secretary, Bihar Public Service Commission, 15, Jawaharlal Nehru Marg Patna.
 6. The Joint Secretary-cum-Examination Controller, Bihar Public Service Commission, 15 Jawahar Lal Nehru Marg, Patna.
- Respondents**

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Appearance :

For the Petitioner/s : Mr. Dinu Kumar, Advocate
Mr. Rajesh Kumar Singh, Advocate
For the State : Sudhir Kumar, A.C. to A.A.G.-2
For the B.P.S.C. : Mr. Sanjay Pandey, Advocate

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 11-09-2015

Writ application of the petitioners is for quashing Clause

3 of Advertisement No. 15 of 2014 contained in Annexure-8 by virtue

of which 05 marks are required to be awarded for work experience

with a maximum of 25 marks to a candidate under the said head. But

this benefit is extendable only to such persons who have gained

experience in a Government Hospital of the State of Bihar either on a

regular basis or contract basis.

The reason for seeking quashing of such a provision is that these petitioners have the qualifications and experience but their experience is from different Army Hospitals and not Hospitals of State of Bihar. They plead discrimination and violation of Articles 14 and 16 of the Constitution of India.

There is no occasion for this Court to consider such a prayer for grant of such a relief because such issue has already been raised earlier and answered by a Division Bench in C.W.J.C. No. 855 of 2015 ***Dr. Dharmbir Kumar & Ors. Vs. The State of Bihar through the Chief Secretary & Ors. reported in 2015(2) PLJR 916.***

If the law had been declared and the validity of such a provision has been upheld while dealing with the submissions of discrimination et cetera then the petitioners cannot overcome the legal impediment created by the order of the Division Bench.

The Court, therefore, has no option left but to dismiss the writ application on the ground that the ratio of the decision rendered by the Division Bench will govern such issue.

Writ is dismissed with above observation.

(Ajay Kumar Tripathi, J)

Vats/-

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