

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.22156 of 2014

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- 1.Dr. Rajiv Kumar Singh, S/o Lalan Prasad Singh, R/o Village-Majia, P.S. Goroul,
District-Vaishali(Hazipur)
2. Dr. Chandra Kishore, S/o Satya Narayan Mandal, R/o village-Basaha, P.S. Pipra,
District Supaul
3. Dr. Dharmandra Singh, S/o Raj Narayan Singh, R/o Mohalla-Khajurbanna, P.S.-
Mahandru, P.S.-Sultanganj, District-Patna.
4. Dr. Omkar, S/o Ganesh Prasad, C/o Sitaram Gupta Bhavan, Near Bharatlal Tent
House at New Purendarpur, P.S. Jakkanpur, District-Patna.

.... Petitioner/s

Versus

- 1.The State of Bihar
2. The Principal Secretary, Health Department, Govt. of Bihar, Patna
3. The Executive Director, State Health Society, Bihar
4. The Additional Executive Director, State Health Society, Bihar
5. The Bihar Combined Entrance Competent Exam Board, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dhirendra Kumar Sinha

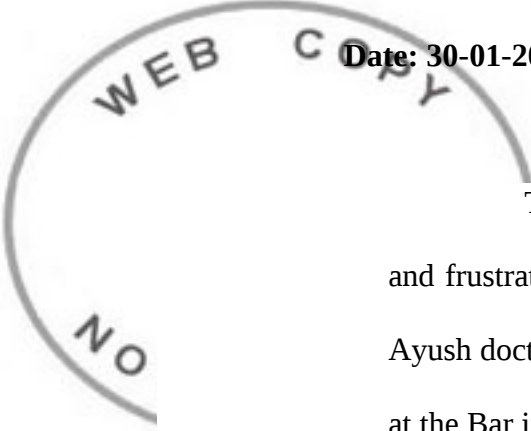
For the Respondent/s : Mr. AAG13-A.K.CHAUDHARY

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 30-01-2015



The whole effort on the part of these petitioners is to somehow derail and frustrate the final selection and appointment of the candidates so selected as Ayush doctors. The Court has reason to say so, because the argument so advanced at the Bar in any manner establishes the fact that the corrigendum so issued by the Bihar State Health Society, as contained in Annexure-A to the counter-affidavit, is either discriminatory or violative of any law, rules or any Article of the Constitution of India and does not even relate to these petitioners as they are not Pharmacists.

The fact is, that based on the direction issued by the High Court on a previous litigation, an advertisement for filling up posts of various kinds was issued in terms of Annexure-2. The eligibility for the various posts have been indicated in the said advertisement. The requirements of various posts are also indicated in detail even in Annexure- 2/1. The exercise was complete; the final results have been declared, but now a grievance is being raised by the petitioners that they have not been cleared and their results are not being declared for an invalid reason and for extraneous consideration. Their grievance is that the corrigendum contained in Annexure-A to the counter-affidavit of the State Health Society brought about a change of date for registration with regard to the Pharmacist and similar leeway should have been given even to Ayush doctors.

The advertisement could have been common because vacancies had to be filled up on many a posts, but it does not mean that when the respondents felt the need to amend the advertisement for one post, they are required to issue

corrigendum across the board for all the posts.

The reason for extension of date for Pharmacists had to be made is available in the counter-affidavit and they have explained the circumstances under which the dates had to be increased for Pharmacists for their registration as well as for re-registration by applying on line. That is not the case for Ayush doctors. If this is so, the objection against the corrigendum for Pharmacist is not an unexpected kind of indulgence or concession.

The corrigendum lays down the requirements therein limited to Pharmacists and same is not the case for Ayush doctors.

These petitioners for one reason or the other have failed to fulfil the requirements, but that cannot be the basis or ground for stopping the appointment or selection so made of successful candidates because after all this selection is on contract basis, for a period of one year of such appointment. Any indulgence on a perceived kind of discrimination will be against the order contained in Annexure-3 where a date was given for completing the process of filling up such vacancies. As it is, the respondents have overstepped the time fixed by the Court. The application is dismissed.

(Ajay Kumar Tripathi, J)

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