

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8639 of 2015

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1. Rita Kumari D/o Shiv Nath Prasad Resident of Village Samardah, P.O. Shahr Kola, P.S. Basantpur, District -Siwan.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Department of Health, Government of Bihar, Patna.
3. The Joint Secretary, Department of Health, Government of Bihar, Patna.
4. The Under Secretary, Department of Health, Government of Bihar, Patna.
5. The Director, Directorate of Indigenous Medicine, Health Department, Govt. of Bihar.
6. The State Health Society, Bihar through its Executive Director.
7. The Executive Director, State Health Society, Bihar.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ujjwal Kumar Sinha
For the Respondent State: Mr. AC to SC 18
For State Health Society : Mr. K. K. Sinha

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
ORAL JUDGMENT
Date: 19-08-2015

Heard learned counsel for the petitioner and learned counsel for the State Health Society.

Grievance of the petitioner is that she was an applicant for appointment on the post of Ayush Doctor (Ayurved). She sat for the examination and qualified. Her name was short-listed but the reason for non-issuance of a letter of appointment is said to be non-registration of the petitioner by the local board of the State of Bihar before the cut off date, which has been fixed as 23.10.2013.

Counsel for the petitioner tries to impress the Court by making

submission that the delay is not attributable to the petitioner because application was filed before the authorities for registration well within time. They have delayed the matter by a day or two. Therefore, liberty ought to be given to the petitioner for appointment in terms of the previous advertisement.

Stand of the counsel for the State Health Society is that similar issue has been raised earlier before this Court, which was CWJC No.2263 of 2015, decided on 22.5.2015 in light of a Division Bench's decision rendered in LPA No. 373 of 2015 on 30th April, 2015.

In addition to that, these appointments have already been made, exercise completed and there could be a few vacancies left but those vacancies can only be filled up when next exercise is undertaken by the respondents.

Law is well settled right up till the Apex Court that every claimant or a candidate must have the eligibility in terms of the advertisement before the cut off date or else no amount of legal jugglery can make a person otherwise eligible if he or she is not.

Writ application is dismissed.

(Ajay Kumar Tripathi, J)

R.K.Pathak/-

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