

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.373 of 2015

In

Civil Writ Jurisdiction Case No. 22156 of 2014

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1. Dr. Rajiv Kumar Singh S/o Lalan Prasad Singh Resident of Village Majia, Police Station Goroul, District Vaishali (Hazipur).
 2. Dr. Chandra Kishor S/o Satya Narayan Mandal Resident of Village Basaha, P.S. Pipra, District Supaul.
 3. Dr. Dharmendra Singh S/o Raj Narayan Singh Resident of Mohalla Khajurbanna, P.O. Mahendru, P.S. Sultanganj, District Patna.
 4. Dr. Onkar S/o Late Ganesh Prasad C/o Sita Ram Gupta Bhawan, Near Bharat Lal Tent House, at New Purandarpur, P.S. Jakkanpur, District Patna.

.... Appellant/s

Versus

1. The State of Bihar.
2. The Principal Secretary, health Department, Government 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 Competitive Examination Board, Patna.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Dharendra Kumar Sinha

For the Respondent/s : Mr. Ashok Kumar Choudhary- AAG 13

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CORAM: HONOURABLE THE CHIEF JUSTICE

And

HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

3 30-04-2015

On account of the excessive greed or one upmanship of a homeopath doctor who has just passed out from the college, the poor persons of the State of Bihar were deprived of the service to be rendered by 2136 of Ayush doctors, 1068 of A.N.M and 1068 of pharmacists.

The State of Bihar notified those posts in the year 2013. The qualification for the post of Ayush doctor



was that a candidate must hold B.A.M.S/BUMS/BHMS Degree from any recognized University and he must have permanent registration with Rajya Ayurvedic & Unani Chikitsa Board/ Rajya Homeopathic Chikitsa Board, Patna. The last date of application was extended to 22.10.2013. The four appellant herein filed C.W.J.C. No. 22835 of 2013 with a prayer to direct the respondents to hold written test for selection of candidates for those posts. The writ petition was heard only in the year 2014 and on 16.05.2014 a direction was issued for holding written test for selection of candidate for the post of Ayush doctors, A.N.M and Pharmacists. Ultimately the test was conducted on 17.09.2014, and the results were declared.

At a time when the orders of appointment were about to be issued, the petitioners filed C.W.J.C. No. 22156 of 2014 and challenged the letter dated 11.12.2014, wherein they were informed that they were not selected because they do not have the permanent registration with Rajya Ayurvedic And Unani Chikitsa Board/Rajya Homeopathic Chikitsa Board Patna on or before 23.10.2013. The writ petition was dismissed on 30.01.2015. Hence this appeal.



Heard learned counsel for the appellants and learned counsel for the respondents. It is rather unfortunate that the appointment of large number post of doctors was held up only on account of fancy of one Homeopathic Doctor who has just passed out from the college though he was not registered with the concerned Board with the State of Bihar. The test was held and results were declared. Obviously that requirement, must be satisfied on the last date of submission of the application as registration. It is brought to our notice that in case of Homeopathic doctors, the registration would be effected only on completion of internship after the candidate passed their final examination. Once the petitioners did not comply with the requirement as on the last date of the application, the question of being treated for their appointment does not arise.

Learned counsel has drawn our attention to the notification dated 11.12.2014 wherein the pharmacist were directed to obtain registration from Bihar State Pharmacy Registration Council, within a period of one month from the date of issuance of order of appointment. While for the post of Ayush doctor registration with the Bihar Board was essential, a



Pharmacist can be registered anywhere in the country. The Ayush doctor is required to have a permanent registration with the Rajya Ayurvedic & Unani Chikitsa Board. The facility created in favour of the Pharmacists is to get themselves registered with the Bihar State Board in addition to the registration which they already possess at other places. By no means it can be construed that the requirement as to the basic registration was exempted in the case of Pharmacists.

It is not in dispute that the petitioners got the registration after or at the time of interview but not at the time of making application. Learned single Judge has taken correct view of the matter, and we do not find any ground to interfere with the order under appeal. The appeal is accordingly dismissed. There shall be no order as to costs.

(L. Narasimha Reddy,CJ)

(Sudhir Singh, J)

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