

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10061 of 2011

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Dr.Ramjee Prasad Gupta S/o Late Banshi Ram Resident of Village Nagar
Parishad Colony, Quarter No.32, Post Office Dehri On Sone, P.S-Dehri,
District-Rohtas.

.... Petitioner

Versus

1. The State of Bihar
2. The Principal Secretary Ministry of Health, Department, Govt. of Bihar.
3. The Dy. Director Health Department Homeo (Ayush), Govt, of Bihar,
Patna.
4. Sri Ram Niwas Prajapati S/o Mausam Ram Prajapati R/O Village
Godasara, P.O- Ramgarh, District-Kaimur (Bhabhua)
5. Sunil Kumar Gupta S/o Anirudh Prasad Gupta C/O Arvind Dwarika Nath
Lane Salinpur Ahara, Kadamkuan, Patna-3

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Brij Mohan Kumar Singh

For the Respondent/s : AC to Addl. Advocate General 15

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

6. 29-02-2016 Heard Sri Brij Mohan Kumar Singh, learned counsel
for the petitioner and learned A.C. to Addl. Advocate General –
15.

In the present writ petition, a peculiar claim has been
raised by the petitioner. The petitioner has made a prayer for
quashing of appointment of respondent no. 4 as Homeopathic
Doctor (Ayush). The petitioner has claimed that pursuant to
advertisement i.e. Annexure – 4, he applied for being empanelled
and selected, as Ayush, claiming to be in the category of
Backward Caste. However, subsequently by a decision the
members of Halwai were considered as Extremely Backward

Caste (E.B.C.) and thereafter, the petitioner filed representation for being considered for appointed as Ayush. This time, a claim was made that persons in the category of E.B.C., who were having lesser marks than the petitioner, have been selected and as such, a prayer has been made for quashing of the same.

On perusal of the material on record, particularly; **Annexure – 4** to the writ petition, it is evident that advertisement was made for preparation of a panel, which was to expire by 31st March, 2010. This advertisement was published in the year 2008. The appointment of Homeopathic Doctor and others was to be made on contractual basis only for a period of 11 months with specific stipulation that after expiry of 11 months fresh agreement will be entered in between the parties.

It is case of the petitioner that at the time of filing application, he had claimed to be under the category of Backward Caste. It is not a case of the petitioner that any candidate, who was having lesser marks than the petitioner, was appointed in the category of Backward Class, however; subsequently, on the basis of a caste certificate i.e. **Annexure – 9**, which was issued on 18th January, 2011, whereby, the case of Halwai was treated as Extremely Backward Caste, the petitioner came out with a new case that the candidates in the E.B.C. category, having lesser

marks than the petitioner, were accommodated.

Keeping in view the nature of appointment i.e. contractual appointment, which was only for 11 months and the fact that advertisement was published in the year 2008 itself with clear stipulation that panel will expire on 31-03-2010, at belated stage, on whatever ground may be, the writ petition may not be entertained.

I do not find any ground to entertain the writ petition.

The writ petition stands dismissed.

(Rakesh Kumar, J.)

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