

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8399 of 2013

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1. Dr. Kamal Kumar S/O Basistha Prasad Resident Of Village And Post- Babhani,
P.S.- Karagahar, Dist.- Rohtas

.... Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Health Department, Govt. Of Bihar
3. The Director, Health Department, Government Of Bihar, Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Mishra
: Mr. Vijay Shankar Choubey
For the Respondent/s : Mr. S. Raza Ahmed, Sr. Adv., AAG-IX
Mr. Vishwamber Pd. A.C. to AAG-IX

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 17-05-2016

In the present case, the petitioner has sought relief of mandamus, commanding the respondents to make appointment of the petitioner after making necessary correction in the category mentioned in the Admit Card as well as in the counselling letter applied for the post of Ayurvedic Ayush Doctor in the category of B.C. but due to some clerical error he has been shown belonging to the E.B.C. category.

It appears from the record that an advertisement was published by the Deputy Director, inviting applications for engagement of Ayurvedic Ayush Doctor. In pursuance thereof, the petitioner applied for the said post and in the application he has shown himself to be belonging to the B.C. category, but due to

some clerical error he has been shown as E.B.C. category in Admit Card as well as in the counselling letter that led to his non-selection.

Claim has been made that the petitioner has sufficient marks for his appointment as Ayurvedic Ayush Doctor in the category of B.C.

Learned counsel for the State submits that whatever the error has been committed is of no consequences and relevance in view of the advertisement where the nature of employment and the period of service have been mentioned. In clause-5 of the advertisement the nature of appointment has been shown to be on contract basis for 11 months. The period of 11 months has already elapsed much prior to filing of the writ application itself.

In such view of the matter, this writ petition is completely misconceived exercise of effort and this Court does not find any merit and purpose to entertain this writ petition. Accordingly, this writ petition is dismissed.

(Shivaji Pandey, J)

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