

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.18259 of 2016

Dr. Virendra Prasad Sinha son of Prabhu Charan Prasad Sinha resident of Balaji Heart Centre, Boring Road, P.S. S.K. Puri, District- Patna (Bihar).

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of Health, Government of Bihar, Patna.
2. The Principal Secretary, Department of Health, Government of Bihar, Patna.
3. The Bihar Public Service Commission, 15 Jawaharlal Nehru Marg, Patna, Bihar through its Chairman.
4. Chairman, Bihar Public Service Commission, 15 Jawaharlal Nehru Marg, Patna, Bihar.
5. The Secretary, Bihar Public Service Commission, 15 Jawaharlal Nehru Marg, Patna, Bihar.
6. The Joint Secretary-cum-Examination Controller, Bihar Public Service Commission, 15 Jawaharlal Nehru Marg, Patna, Bihar.
7. The Medical Council of India, Pocket 14, Sector 8, Dwarka Phase 1, New Delhi through its Secretary.

.... Respondents

Appearance :

For the Petitioner : Mr. Y. V. Giri, Senior Advocate
Mr. Girijesh Kumar, Advocate
Mr. Rajiv Kumar Singh, Advocate
For the Respondent State: Mr. Lalit Kishore, PAAG-I
For the Respondent BPSC : Mr. Sanjay Pandey, Advocate

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
ORAL JUDGMENT

Date: 19-11-2016

Counter affidavit on behalf of the Bihar Public Service

Commission has been served and filed. It is placed on record.

The interview for the post of Director, Indira Gandhi Institute of Cardiology, Patna, has already been held and the Bihar Public Service Commission has made recommendation to the State Government. Learned Senior Counsel representing the petitioner raises serious questions on the eligibility and competence of the

recommended candidates. He has filed an Interlocutory Application challenging such recommendation as well.

Looking at the original relief, which was sought for in the present writ application, the Court is of the opinion that the Interlocutory Application cannot be allowed in the present writ application because that is a fresh cause of action and a fresh writ is required to be filed with a new pleading and supporting material with regard to the recommendation made by the Bihar Public Service Commission.

This writ application, therefore, stands disposed of as having lost its meaning.

So far as competence and eligibility of the petitioner is concerned, the Court has not expressed any opinion on that aspect of the matter. The apprehension of the learned Senior Counsel that the disposal of this writ application with the liberty as above will be *res judicata* is a misplaced kind of apprehension on his part.

(Ajay Kumar Tripathi, J)

Pawan/-

AFR/NAFR	NAFR
CAV DATE	N/A
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