

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8148 of 2016

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Dr. Awadhesh Sharma Son of Late Sukan Sharma Resident of Village- Harhangi
Bigha PO- Akauni PS- Daudnagar, district- Aurangabad.

.... Petitioner

Versus

1. The State of Bihar
2. The Principal Secretary, Health Department, Govt. of Bihar, Patna.
3. The Director-in-chief, Health Services, Government of Bihar, Patna
4. The Executive Director, State Health Society, Government of Bihar, Pariwar Kalyan Bhawan, Sheikhpura, Patna-14.
5. The District Magistrate cum Chairman, District Health Society, Aurangabad.
6. The Civil Surgeon-cum-Chief Medical Officer cum Secretary, District Health Society, Aurangabad.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Santosh Kumar Singh, Adv.

For the Respondent/s : Mr. Anuj Kumar, AC to Gp-24

For the Health Society : Mr. K.K.Sinha, Adv.

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 20-09-2017

Heard Mr. Santosh Kumar Singh, learned counsel appearing

for the petitioner, learned counsel for the State and Mr. K.K.Sinha,

learned counsel for the State Health Society.

The petitioner prays for issuance of a writ in the nature of

mandamus commanding the respondent authorities of the State Health

Society to issue appointment letter to the petitioner for the post of

AYUSH Doctor following the selection process initiated against

Advertisement No. 6896/2013-14.

According to the learned counsel for the petitioner, the

petitioner comes under reserved category of Extremely Backward



Class. According to him, 2136 posts of Ayush Doctor was advertised of which 385 posts were ear-marked for Extremely Backward Class as manifest from the results placed at Annexure 4 where the name of the petitioner appears at serial no.222 amongst EBC category, yet he has not been issued appointment letter.

It is considering the grievance so raised that learned counsel for the State Health Society was directed to seek instruction and file counter affidavit, which has since been filed and the position has been explained in paragraphs 7, 9 and 10 of the counter affidavit in which it is stated that of the 2136 posts of AYUSH Doctors, 50% was reserved for Ayurvedic Doctors which comes to 1068 posts, 30% was ear-marked for Homeopathic Doctors which comes to 641 posts and 20% was ear-marked for Unani Doctors, which comes to 427 posts. It is further explained that 30% of the posts was reserved for Extremely Backward Class across the board under each of the category and thus, in so far as the Homeopathic Doctors is concerned, 115 post was ear-marked for EBC category. It is explained that as against 115 posts reserved for Extremely Backward Class for appointment as Homeopathic Doctors, 138 candidates were called for counselling i.e. up to serial no. 214. It is stated that since the petitioner was placed at serial no. 222, he did not come within the zone of consideration and not called for counselling.



Although no rejoinder has been filed to the counter affidavit but it is the submission of Mr. Singh, learned counsel for the petitioner, that the person appearing at serial no. 226 of the list of Extremely Backward Class who was below the petitioner, has been appointed though no document has been produced in support thereof.

In the circumstances so explained in the counter affidavit of the State Health Society as taken note of, no direction can be issued for the present. The writ petition is, accordingly, disposed of, however, reserving liberty for the petitioner to draw the attention of the Executive Director, State Health Society, in case any appointment order is issued for appointment as Homeopathic Doctor to any person below the petitioner in the Extremely Backward Class and which representation would be considered by the Executive Director, State Health Society and disposed of in accordance with law.

(Jyoti Saran, J)

Surendra/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	22.09.2017
Transmission Date	NA

