

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.350 of 2015

IN

Civil Writ Jurisdiction Case No. 14604 of 2010

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Sanjay Kumar Ray S/o Late Surya Narayan Ray R/o Vill. Simra, P.O. Basdeopur Chandel, P.S. Mahnar , Dist - Vaishali.

.... Appellant

Versus

1. The State of Bihar through the Principal Secretary, Deptt. of Health, Govt. of Bihar, Patna.
2. The Director in Chief, Directorate of Health Services, Bihar, Patna
3. The Deputy Director, (Honmoeo) cum Nodal Officer, Dept. of Health, Govt. of Bihar, Patna.

.... Respondents

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Appearance :

For the Appellant : Mr. Ram Shankar Das, Advocate

For the Respondent : Mr. Kameshwar Kumar, GP-17
Mr. Sanjay Kumar, AC to GP-17

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date: 11-07-2017

Heard counsel for the appellant and counsel for the State.

No interference is warranted with the order of the learned single Judge for the reason that no case for discrimination was established either before the learned single Judge or before the Division Bench. A categorical statement was made that no person below the rank of the petitioner in the merit position came to be selected and appointed on the post of a Ayush Doctor and that position is not repelled even now at this stage.



In view of the same, merely because the appellant was short listed, it does not give him a right for appointment unless discrimination is established.

Appeal has no merit. It is dismissed.

(Ajay Kumar Tripathi, J)

(Rajeev Ranjan Prasad, J)

Pawan/-

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