

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2006 of 2015

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1. Dr. Jay Prakash Singh S/o late Maharaj Singh Resident of Village Tilasandi, P.O. Bhimpur, P.S. Barhariya, District Siwan. Presently residing at P.O. Tarwara District Siwan.
 2. Dr. Sanjay Kumar S/o Deonandan Mahto Village Baunsi, P.O. Tirhutta, District- Madhubani.
 3. Dr. Satyendra Kumar S/o Sri Ramadhin Prasad Village Chandi, P.S. Chandi, District Nalanda.

.... Petitioners

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Old Secretariat, Patna.
2. The Commissioner, cum Principal Secretary, Department of Health, Government of Bihar, Patna.
3. Director - In - chief, Health Services, Government of Bihar, Patna.
4. The Director , Desi Chikitsa, Health Department , Bihar. Patna.
5. The Deputy Director (Homeopathic)-cum Nodal Officer, Department of Health , Bihar, Patna.
6. The Director, State Health Society, Bihar, Patna.
7. The Executive Director, State Health Society, Bihar Pariwar Kalyan Bhawan , Sheikhpura, Patna-14.
8. Officer-on Special Duty, Ayush Cell, I.A.S. Association Building Near Aerodrum, Patna-14.
9. Deputy Director cum Nodal Officer, Health Department, Bihar, Patna.
10. Dr. Ramesh Prasad, Leacturer, Government Ayurvedic College, Kadam Kuan, Patna 3 cum Member, Eligibility Vierification Committee,Ayush (Homeopathic) Doctors
11. Dr . Md. Sabir Ali , Reader , Government Tibbi College, Kadam Kuan, Patna 3 cum Member, Eligibility Vierification Committee,Ayush (Homeopathic) Doctors
12. Dr. Shailendra Kumar, S/o Kamkeshri Rai R/o Village Siddheshwar, P.O. Suram Manhara, District Madhepura.
13. Dr. Shalini Srivastava, D/o Vijay Prakash Srivastava, R/o near sale tax office, District Betiya(West Champaran).
14. Dr. Tarkeshwar Singh S/o Ram Kumar Singh R/o Village Dhohara Tola , Pitambar, Digha, P.O. Padariya, District Aurangabad.
15. Dr. Nawal Kishore S/o Saryug Rai R/o Village Pareri P.O. Jikapur Pareri, District West Champaran.
16. Dr.Khemani Gopal Ram S/o Shiv Kumar Khemari R/o Village Choudhary Tola Kehelgaon, P.O. Kehelgaon , District Bhagalpur.
17. Dr. Kumari Sachchidaanandini Sinha D/o Sachchidanand Prasad R/o Village Bikatijama, P.O. Chandhari, District Nalanda.
18. Dr. Bhola Nath S/o Manik Lal Gorai C/o Sanjay Sarkar Kashyapada, R/o District Jamtara, Jharkhand.
19. Dr. Md. Abrar Hussain S/o Md. Ibrahim R/o village Nurlahpur, P.O. Daulatpur roadsera, District Begusarai.

.... Respondents



Appearance :

For the Petitioner/s : Mr. Sarvendra Kumar Verma
For the Respondent/s : AC to Standing Counsel – 6
Mr. Kishore Kumar Sinha

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

3. 09-02-2017 Heard Sri Sarvendra Kumar Verma, learned counsel for petitioners, learned A.C. to Standing Counsel – 6 as well as Sri Kishore Kumar Sinha, learned counsel, who has appeared on behalf of respondent no. 6 & 7.

Three petitioners have approached this Court invoking its writ jurisdiction under Article 226 of the Constitution of India, with a prayer to quash an order dated 02-09-2014 passed by the Director-in-Chief, Health Services, Govt. of Bihar, Patna, vide Memo no. 16/C1-18/2011-801 (Annexure – 3 to the writ petition).

The petitioners had earlier approached this Court by filing a writ petition, vide C.W.J.C. No. 16722 of 2010 with a claim for directing the respondents to appoint the petitioners as Homeopathic Doctor, pursuant to panel prepared in the year 2010. It has not been disputed that any person, whose name was below to the petitioners in the said panel, was appointed, but a claim has been made that illegally private respondents, on the basis of irregularities, were appointed. The said writ petition was disposed of granting liberty to the petitioners to file an appropriate



representation with relevant documents before the respondent no. 3/Director-in-chief, Health Services, Govt. of Bihar.

Learned counsel for petitioners has drawn my attention to Annexure – 2 to the present writ petition i.e. copy of representation filed by the petitioners before the Director-in-chief, Health Services, Bihar. In the representation, the petitioners had arrayed several persons as opposite party no. 1 to 33 and many allegations were made against them.

After filing of the representation, the Director-in-chief summoned the record from all concerned and considering the nature of accusation, he constituted a three men committee. Ofcourse, the representation filed by the petitioners before the Director-in-chief was not specific, but in the representation, since certain serious allegations were made, the record were thoroughly examined.

On perusal of the Annexure – 3, it is evident that almost all the allegations, which were levelled by the petitioners, were found to be false and incorrect. Without giving detail, it would be appropriate to mention that the three men committee has considered each and every aspect and all the allegations made by the petitioners were found illegal and incorrect and thereafter, the claim was rejected. Moreover, in the Annexure – 3, it was



categorically indicated that appointment of private respondents was made from a panel, which was made only for one year. Meaning thereby that in any event, after expiry of one year, from the said panel, petitioners may not be accommodated.

Keeping in view the fact that allegations made by the petitioners against private respondents in relation to their appointment were found to be false, there is no reason to interfere with the impugned order.

The writ petition stands dismissed.

(Rakesh Kumar, J.)

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