

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.465 of 2016
IN
Civil Writ Jurisdiction Case No. 18820 of 2015**

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Dr. Ritesh Kumar Tarun, Son of Pawan Kumar Prasad, resident of Village Bajrang Bagh, P.O. & P.S. Hilsa, District Nalanda.

.... Petitioner-Appellant/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Department of Health, Govt. of Bihar, Patna.
3. The Bihar Public Service Commission, Patna through its Chairman.
4. The Secretary, Bihar Public Service Commission, Patna.
5. The Medical Council of India through its Chairman.
6. The Secretary, Ministry of Health and Family Welfare, Govt. of India, New Delhi.

.... Respondents-Respondent/s

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Appearance :

For the Appellant/s : Mr. Vaidehi Raman Prasad Singh, Advocate

For the Respondent/s : Mr. A.R. Pandey, AAG-15

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CORAM: HONOURABLE THE CHIEF JUSTICE

And

HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 03-05-2017

Seeking exception to an order dated 14.01.2016 passed by the learned Writ Court in CWJC No.18820 of 2015, this appeal has been filed under Clause X of the Letters Patent.

Petitioner was a candidate, who had filed an application for appointment on the post of General Duty Medical Officer. On the ground that the petitioner has obtained diploma in Orthopedics and for this, he should receive 10 marks, the petitioner had filed the writ petition and the learned Writ Court after going through various aspects of the matter found that in the advertisement itself one of the conditions prescribed was that the original certificate of the diploma was to be



produced by the candidate. It is seen from the records that in the present case, along with the application filed, the petitioner had only filed a mark-sheet of the diploma course in question and when he appeared for the interview, he did not produce the original diploma certificate and, therefore, the authorities did not grant the 10 marks in question.

On a perusal of the counter affidavit filed by respondent Nos.3 and 4, namely the officers of the Bihar Public Service Commission and para-15 of the same clearly indicates that at the time of interview before the Interview Board when the documents were to be produced for verification, the petitioner did not produce the original diploma certificate and hence the 10 marks were not given.

That being the position and if the petitioner did not comply the requirement of the advertisement, 10 marks were not granted to the petitioner, we find no error in the same warranting reconsideration. The appeal is, therefore, dismissed.

(Rajendra Menon, CJ)

(Sudhir Singh, J)

Sunil/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	10.05.2017
Transmission Date	

