

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9981 of 2016

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Rakesh Ranjan son of Sri Man Mohan Pandey resident of Village- Deokali,
Police Station-Dhanarua and District-Patna

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Health,
Government of Bihar, Patna
2. The Director, Indigenous Medicine Directorate, Bihar Patna
3. Bihar Staff Selection Commission, Post- Veterinary College, Patna-14 through
its Secretary.
4. The Chairman, Bihar Staff Selection Commission, Veterinary College, Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Gajendra Kumar Singh
For the Respondent/s	:	Mr. Manindra Kishore Singh- SC6
For Resp. No. 3 & 4	:	Mr. Iti Suman, Adv.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL JUDGMENT

Date : 10-12-2018

Heard learned counsel for the parties.

In this case, the petitioner is challenging the notification for recruitment of Compounder in Ayurvedic Hospital wherein the minimum qualification has been fixed as Intermediate with 50%.

It appears from the order dated 27.8.2018 that learned counsel for the petitioner had submitted that the fixation of qualification of 50% is completely dehors to the Bihar Pharmacist Cadre Rules, 2014 wherein the basic minimum eligibility criteria for appointment in the basic grade is Intermediate pass. There is no cut-off marks attached to such qualification. So, the basic thrust of the argument was that in Annexure-6, the gazette notification of



2006, does not prescribe the person must be an Intermediate with 50%. In Clause-6 wherein essential qualification has been dealt with, prescribes that the person must have a qualification of Intermediate as well as he must be Diploma in Pharmacy Course but, in turn learned counsel for the petitioner submits that this notification does not apply to the case of selection of Compounder in the Ayurvedic Hospital and submits that in the advertisement, the prescribed qualification is Intermediate with experience with the doctor. The Gazette notification of year 2014 deals with the appointment of Pharmacist in a hospital run under the Allopathic system, he cannot place reliance upon the advertisement made for recruitment of Compounder in the Ayurvedic Hospital.

The petitioner is correct in the sense that the Recruitment Rule known as Bihar Pharmacist Cadre Rules, 2014 does not apply to the case of recruitment of Compounder in the Ayurvedic Hospital but, the Staff Selection Commission has been entrusted for recruitment of the Compounder for the Ayurvedic College. If there is no course of study for Diploma in Pharmacy, that qualification cannot be acquired but, on that account, the stipulation mentioned in the advertisement “Intermediate with 50%” cannot be said to be illegal.



This Court does not find any error in the fixation of qualification as Intermediate in Biology with 50%, such fixation of qualification cannot be said to be arbitrary, only the higher second division is required for selection of Compounder in Ayurvedic College.

This Court does not find any merit in the present writ application and the same is, accordingly, dismissed.

(Shivaji Pandey, J)

rishi/-

AFR/NAFR	NAFR
CAV DATE	NA
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