

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2453 of 2016

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1. Shravan Sah son of Late Madhu Sah, resident of Village- Rajwa, Police Station- Bangra, District- Samastipur.
2. Surendra Sah son of Ragho Sah, resident of Village- Gangapur, Police Station- Bainsi, District- Samastipur.
3. Md. Moazzam Ansari son of Late Akram Ansari, resident of Village- Hussainabad, Police Station- Nath Nagar, Post Office- Champa Nagar, District- Bhagalpur.

.... Petitioners

Versus

1. The State of Bihar through the Principal Secretary, Health and Family Welfare Department, Bihar, Patna.
2. The Additional Secretary, Health and Family Welfare Department, Bihar, Patna.
3. The Joint Secretary, Health and Family Welfare Department, Bihar, Patna.
4. The Director, Indigenous Medicine, Bihar, Patna.
5. The Deputy Director (Homeopath) cum Medical Officer, Department of Health, Government of Bihar, Patna.
6. The Executive Director, the State Health Society, Bihar, Parivar Kalyan Bhawan, Sheikhpura, Patna- 800014.
7. The Recruitment Officer, State Health Society, Bihar, Patna.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Satya Narayan Mishra, Adv.
For the Respondent/s : Mr. Kishore Kumar Sinha, Adv.

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

3 13-03-2018 Heard learned counsel for the parties.

The petitioners seek age relaxation of ten years in the matter of appointment of 'AYUSH' doctor pursuant to the advertisement made by the State Health Society. Such advertisement was published in the year 2013. On a query as to why the writ petition has been filed after lapse of three years seeking relaxation in the conditions of the advertisement that Mr. Mishra, learned counsel for the petitioners, invites the attention of



this Court to an order dated 14.11.2014 passed by a Co-ordinate Bench of this Court in C.W.J.C.No. 21235/2013 to admit that the petitioners had earlier come before this Court and the writ petition was disposed of with the direction to the Executive Director, State Health Society to consider the grievance of the petitioners and pass appropriate order within four weeks from the date of the order or face contempt. The grievance of the petitioners as raised in the writ petition is that no steps were taken by the respondents.

While the counter affidavit is filed saying that the matter got disposed way back in the year 2014 itself within the stipulated time, even otherwise, in the nature of the order earlier passed, a second writ petition would not be maintainable for the selfsame relief. In case the Executive Director did not pass the order within the stipulated period granted vide Annexure 4, then the remedy for them lay before the contempt jurisdiction but having not done so, this Court would not permit luxurious litigation filed after a lapse of three years.

The writ petition is dismissed.

(Jyoti Saran, J)

Surendra/-

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