

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1479 of 2017

In
Civil Writ Jurisdiction Case No.14008 of 2015

-
-
1. Amitesh @ Ritesh Kumar, Son of Sri Braj Kishore Singh, Resident of Chakaram Das, P.S. Vaishali, District-Vaishali.
 2. Md. Shamim Ahmad, Son of Mustak Ahmad, resident of Majhawalia, P.S. Sakra, District-Muzaffarpur.

... .. Appellant/s

Versus

1. The State of Bihar through Principal Secretary, Health Department, Government of Bihar, Patna
2. The Director-in-Chief, Health Services, Bihar, Patna.
3. The Chairman, Bihar Staff Selection Commission, Patna.
4. The Secretary, Bihar Staff Selection Commission, Patna.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sanjay Kumar Tiwari, Adv.
For the Respondent-BSSC: Mr. Satyabir Bharti, Adv.

CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
and
HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE JYOTI SARAN)

4 30-11-2018

Re: I.A. No. 7605 of 2017:

In

LPA No. 1479 of 2017:

This interlocutory application is filed for condonation of delay of 1 year and 105 days in filing the appeal.

Perusal of the order passed by the learned Single Judge would confirm that a direction was issued to the Staff Selection Commission to consider the eligibility or otherwise of the appellant-petitioners in consideration of the degree and diploma which the petitioners possessed taking note of the guidelines of the Department present in the communication dated 28.07.2006. The order further



directs that in case the petitioners hold a higher qualification it would not act impediment for the purpose of consideration the case of these petitioners for appointment if the petitioners possessed the basic qualification for consideration of their cases for appointment.

In our opinion, in the nature of the direction so issued by the learned writ Court it is for the Staff Selection Commission to take a decision on the same and until such decision is taken, the appellant-petitioners can have no grievance.

It goes without saying that in case the decision of the Staff Selection Commission or the State Government goes against the interest of the appellant-petitioners the lawful remedy is always available to them.

With the observations above, the interlocutory application and the appeal, are disposed of.

(Jyoti Saran, J)

(Prakash Chandra Jaiswal, J)

Skpathak/-
Anjula

U			
---	--	--	--

