

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.11549 of 2018

=====

Amritesh Kumar, Son of Prof. N.P. Chaudhary, Resident of Chakkar Road,
Opposite Railway Hostel, Muzaffarpur- 842001.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Health, Government of Bihar, Patna.
2. The Indira Gandhi Institute of Medical Science through its Director, Shekhpura, Patna.
3. The Director, Indira Gandhi Institute of Medical Science, Shekhpura, Patna.
4. The Medical Council of India through its President, Pocket-14, Sector-8, Dwarka Phase-1, New Delhi- 110077.
5. The Secretary, Medical Council of India, Pocket-14, Sector-8, Dwarka Phase-1, New Delhi- 110077.

.... Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr. Shekhar Singh, Advocate
For the Respondent/s	:	Mr. Pankaj Kumar, SC-12
		Mr. Kamlesh Kishore, AC to SC-12
For the I.G.I.M.S.	:	Mr. Sunil Kumar Singh, Advocate
For the MCI	:	Mr. Kumar Brijnandan, Advocate
		Mr. Tarees Hameed, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

Date: 26-06-2018

Heard learned counsel for the petitioner and the respondents.

The petitioner has filed the present writ application for a direction to the respondents to allow the petitioner to participate in the selection process commencing from 28.06.2018 in the subject of Microbiology.

Mr. Shekhar Singh, learned counsel for the petitioner with reference to Medical Council of India Regulation submits that the Medical Council of India Regulation permits non-medico to be



considered for appointment as Assistant Professor in Medical College in the subject of Microbiology. He submits that notwithstanding the eligibility prescribed by the Medical Council of India (hereinafter referred to as 'the MCI'), the petitioner was not issued call letter and no reason has been assigned despite the petitioner has filed the representation addressed to the Director, Indira Gandhi Institute of Medical Science, Shekhpura, as is evident from Annexure-6.

Mr. Kumar Brijnandan, learned counsel appearing on behalf of MCI submits that a bare reference to the regulation would be enough to understand that it is only enabling provision and appointment to the extent of 30% is permissible, if the Medical Colleges wishes to appoint non-Medico, as Assistant Professor, in the subject of Microbiology.

Mr. Sunil Kumar Singh, learned counsel appearing on behalf of IGIMS submits that in terms of the advertisement, the petitioner was found not eligible, as the advertisement does not admit non-Medico eligible for appointment on the teaching post.

Considering the aforesaid, the Court is not inclined to interfere in the selection process, which is scheduled to commence from 28.06.2018. However, the petitioner has right to know the reason for exclusion of his candidature from the zone of consideration and as such the Court while disposing of the writ application direct the



Director, IGIMS to dispose of the representation filed by the petitioner (Annexure-6) by a reasoned and speaking order preferably within a period of one week.

With the aforesaid, the writ application stands disposed of.

(Anil Kumar Upadhyay, J)

Uday/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	27.06.2018
Transmission Date	

