

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8963 of 2015

Dr. Smt. Anita Singh and Anr.

... .. Petitioner/s

Versus

The State Of Bihar and Ors

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Niraj Kumar, Advocate
For B.P.S.C.	:	Mr. Zakir Haider, Advocate
For the State	:	Mr. Arun Verma, AC to GP-5

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 11-09-2019 The respondent, Bihar Public Service Commission (hereinafter referred to as 'BPSC') conducted the process of selection for appointment of Medical Officers under Advertisement No. 15/2014.

The petitioners' prayer in the writ petition is for issuance of direction to the respondent-BPSC to allow the petitioners to appear for the interview on the basis of their participation in the process of selection for Medical Officers under Advertisement No. 15/2014 published by the commission. The petitioners have alleged that being qualified doctors since 2007, they have been debarred of the opportunity for appearing in the interview though in the earlier process conducted by Advertisement No. 5/2011 they had applied.

The respondent-State authorities have filed counter



affidavit. The commission, too, has filed counter affidavit.

The facts emerging from the records are that after petitioners' participation in the process of selection pursuant to Advertisement No. 05/2011, the applicants had boycotted the process of selection. The said process, therefore, was not taken to its final conclusion. It is further submitted by the respondent authorities that Department of Health framed Bihar Medical Service Rules in the year 2013 and under the new rules, a fresh requisition for appointment of 2301 doctors was sent to the respondent commission. On the basis of above requisition, the commission issued fresh Advertisement No. 15/2014. The petitioners have not applied in response to the same. The respondent authorities have further submitted the fact that result pursuant to Advertisement No. 15/2014 has already been published by the commission and the recommendations pursuant to the selection process has already been sent by the Commission on 28.12.2015.

From the submission of rival parties and taken note of above, this court would find that the petitioners had participated in the year 2011 process but the same was boycotted by the applicants due to which the process could not reach its logical conclusion. The subsequent event including coming into force



of the new rules of 2013 and fresh process of selection on the basis of Advertisement No. 15/2014 are also facts which are not in dispute.

The petitioners neither assailed the 2013 rules nor they assailed the advertisement no. 15/2014. They also did not apply pursuant to the said advertisement. The further development is that pursuant to advertisement no. 15/2014 recommendation of selected candidates has been sent by the commission long back on 28.12.2015. The circumstances taken note of hereinabove are such that the petitioners are not in a position to assert a legally enforceable right for issuance of direction to be called for interview pursuant to advertisement no. 15/2014, as they were not even applicant in the process.

The earlier application pursuant to advertisement no. 5/2011 has lost its relevance in view of the various subsequent developments taken note of hereinabove.

The writ petition is devoid of merit and the same is dismissed.

(Madhuresh Prasad, J)

Rajeev Kumar/-

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