

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7325 of 2019

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1. Aishwarya Singh S/o Pawan Kumar Singh Resident of Ward No. 11, Gautam nagar, P.s.- Saharsa, Distt.- Saharsa
 2. Sanjeet Kumar Mishra S/o Vijay Kant Mishra Resident of C-202, Puspanjali Enclave, North Mandiri, P.s.- Buddha Colony, Distt.- Patna
 3. Sachin Sinha S/o Dr. Atul Kumar Sinha Resident of Bandhu Kuti, Road No. 8A, Rajendra Nagar, Patna
 4. Chandan Kumar Pathak S/o Amindra Pathak Resident of Vill. and P.o. and P.s.- Benipatti, Distt.- Madhubani
 5. Vijaya Lakshmi Pandey D/o Santosh Pandey Resident of Santosh Bhawan, Saidpur, P.s.- Kadamkuan, Distt.- Patna

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Health Department, Bihar, Patna
2. The Principal Secretary Health Department, Bihar, Patna
3. The Director Medical Education, Health Department, Bihar, Patna
4. The Chairman Bihar Combined Entrance Competitive Examination Board, Patna, Patna
5. The Controller of Examination Bihar Combined Entrance Competitive Examination Board, Patna, Patna
6. The All India Institute of Medical Sciences, Patna through the Director, P.s.- Phulwarisharif, distt.- Patna

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Mrigank Mauli, Adv. Mr. Amresh Kumar Sinha, Adv. Mr. Prince Kumar Mishra, Adv. Mr. Sanket, Adv.
For the Respondent/s	:	Mr.S.D. Yadav (AAG 9)
For BCECEB	:	Mr. Prasoon Sinha, Adv.
For the AIIMS	:	Binay Kumar Pandey, Adv.
For the Intervenor	:	Mr. Navendu Kumar, Adv.,

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL JUDGMENT

Date : 22-04-2019

The present writ petition has been preferred
seeking the following reliefs:-

“(a) For issuance of writ in the nature of



mandamus, commanding and directing the Respondent authorities to clarify the ambiguity in the language of Clause 6.1(i) of the Prospectus for Post Graduate Medical Counselling-2019 (for short referred as “PGMAC”), in view of the Order dated 09.05.2018 passed in CWJC No. 7552/2018- by this Court whereby it was observed that “the Court expects that the State Government of Bihar, should ensure in future that there is no ambiguity in the language of the Prospectus, particularly, in respect of Clause 6.1(i) thereof”.

(b) For issuance of a writ in the nature of Mandamus, directing and commanding the Respondents to give a purposive construction to the expression “Medical College of Bihar State” occurring in Clause 6.1(1) of the Prospectus for Post Graduate Medical Counselling-2019 to mean and include that “Only candidates who have studied in the medical Colleges maintained and governed by the State of Bihar” for PG Medical Seat of State Quota (Bihar Quota) and not Student of All India Institute of Medical Sciences, Patna or any other Institution not maintained or governed by the State of Bihar.

(c) For issuance of writ in the nature of Mandamus, commanding and directing the Respondent authorities to allow the petitioners or Students who have studied



in the College of State of Bihar to participate in the Counselling of All India Institute of Medical Sciences, Patna for Post Graduate Courses on reciprocal basis.

(d) For holding and declaring that AIIMS, Patna is not eligible for participation in the Post Graduate Medical Counselling-2019, as they do not share their UG/PG Seats for the Students who have studied in the Colleges maintained by the Bihar State.

(e) For holding and declaring that through BCECEB Counselling only Students who have studied in the Colleges of the State of Bihar are entitled to appear and take admission for PG courses.”

2. The learned counsel for the petitioner had submitted on the last occasion that this Court by a judgment dated 09.05.2018 passed in CWJC No. 7552 of 2018 had observed as follows:-

“The Court expects that the State Government of Bihar, should ensure in future that there is no ambiguity in the language of the Prospectus, particularly, in respect of Clause 6.1(i) thereof”.

3. With regard to the ambiguity in Clause 6.1(i) of the Prospectus of the Post Graduate Medical Counselling-2019, Sri S.D. Yadav, learned counsel appearing for the



respondents no. 1 to 3 has taken instructions in the matter and has filed a counter affidavit, wherein it has been submitted that ambiguity in Clause 6.1(i) of the Prospectus of the Post Graduate Medical Counselling-2019 has been clarified in the following terms:-

“The Candidates must have passed the MBBS Examination from any Medical College of Bihar State which is established or financially aided by the State Government or established and run by private management and included in the schedule of Medical Council of India. For Private Medical Colleges, this criteria is liable to be modified in the light of झापांक -सं.1/विविध- 74/2016 – 404 (1) दिनांक 06.04.2018 and related directives of Department of Health, Govt. of Bihar (See Annexure-5).”

4. It is submitted that the aforesaid clarification has been issued by the Health Department, Government of Bihar, Patna vide notification dated 18.4.2019, annexed as Annexure-A to the counter affidavit filed on behalf of the Respondents no.2 & 3.

5. The learned counsel for the petitioners submits that the grievances of the petitioners stands redressed, hence, the writ petition may be disposed of.



6. Accordingly, the writ petition stands disposed of as not pressed on the aforesaid terms.

7. At this juncture, the learned counsel for the proposed Intervenor has submitted that the proposed Intervenor be granted liberty to challenge the aforesaid notification dated 18.4.2019.

8. Liberty is granted.

9. The consequence of the aforesaid notification dated 18.4.2019 shall follow.

(Mohit Kumar Shah, J)

Tiwary/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	
Transmission Date	N/A

