

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.868 of 2016

In

Civil Writ Jurisdiction Case No.2263 of 2015

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1. Dr. Rajnish Kumar, Son of Late Uma Nath Singh resident of Village-Gorhbaniya Yaddupur,P.O. and P.S. Nagmaliya District- Aurangabad.
 2. Dr. Mahesh Rai, S/o Late Birendra Rai. resident of Village- Nut, P.O -Umarpur, P.S. Industrial Area Buxar, District Buxar.
 3. Dr. Sunil Kumar Pandey Son of Shri Atma Prasad Pandey C/o Shri Kailash Nath Shukla, residing near Rajendra Lodge Panch Shiv Mandir Marg, Road No. 2, Lal Bahdur Shashtri Nagar, Patna- 800023.

... .. Appellant/s

Versus

1. The State Of Bihar
2. The Secretary, Health Medical Education and Indigenous Medicine Department Govt. of Bihar, Patna.
3. The Executive Director, State Health Society Bihar at Pariwar Kalayan Bhawam Sheikhpura, Patna- 800014.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Shashi Shekhar Tiwary, Advocate

For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE SHIVAJI PANDEY)

Date : 24-09-2019

Counsel for the appellants submits that he is not pressing the case of appellant no.1 on account of fact that he has already been appointed.

Accordingly, this appeal is dismissed as not pressed against the appellant no.1.

In the present case, the appellants are claiming appointment as Ayush Doctor. One of the essential condition as per



the advertisement is registration of the Ayush Doctor in the register maintained by the State of Bihar.

Admittedly, the appellants were not registered on the last date of receipt of application, though the appellants did receive the registration certificate after last date during the period of counseling. When the advertisement along with the rules stipulates that the person must be a registered Ayush Doctor in the register maintained by the State of Bihar before the last date, in such circumstances, the essential element of qualification is missing with the petitioners.

As this issue has already been settled in L.P.A. No.373 of 2015 (Dr. Rajiv Kumar Singh and others Vs. State of Bihar and others), in such circumstances, this Court does not find any merit in the present appeal, accordingly, the same is dismissed.

However, this order will not be prejudiced to the appellants in future.

(Shivaji Pandey, J)

(Partha Sarthy, J)

V.K.Pandey/-

AFR/NAFR	N.A.F.R.
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