

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2396 of 2020

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Kanchan Kumar Son of Chandradeo Prasad Resident of Village- Parasiya,
Police Station- Imamganj, District- Gaya.

... .. Petitioner

Versus

1. The State of Bihar through Principal Secretary, Department of Health and Family Welfare (AYUSH), Government of Bihar, Vikash Bhawan, New Secretariate, Patna Patna.
2. The Principal Secretary, Department of Health and Family Welfare (AYUSH), Government of Bihar, Vikash Bhawan, New Secretariate, Patna.
3. The Special Secretary-cum-Executive Director, Department of Health (AYUSH), Vikash Bhawan, New Secretariate, Patna.
4. The Director of Homeopathy, Directorate of AYUSH, Vikash Bhawan, New Secretariate, Patna.
5. The Principal Secretary Personnel and Administrative Reforms Department, Government of Bihar, Patna.
6. The Chairman, Bihar Public Service Commission, Bailey Road, Patna.

... .. Respondents

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Appearance :

For the Petitioner	:	Mr. Gopal Govind Mishra, Advocate
For the Respondents	:	Mr. Chitranjan Sinha, Pr. AAG2
For the Commission	:	Mr. Sanjay Pandey, Advocate

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT

Date : 19-02-2020

Heard learned counsel appearing on behalf of the petitioner; learned counsel appearing on behalf of the State and also learned counsel for the Bihar Public Service Commission.

Learned counsel for the petitioner submits that one Dr. Amit was recommended at serial no. 1 in order of merit for appointment as Lecturer (Surgery) and the petitioner is at serial no. 2 in order of merit in the Department of Surgery. Learned



counsel submits that Dr. Amit has not joined the post as Lecturer (Surgery) and as such, on non-joining of Dr. Amit in the Department of Surgery, the resultant vacancy, due to non-joining of Dr. Amit, must fall in favour of the petitioner.

Having regard to the facts of the case, this Court directs that the case of the petitioner may be considered by the Health Department as well as the Commission. In the event there is any vacancy, due to non-joining of Dr. Amit, the same may be filled up by recommending the case of petitioner if he is at serial no.2 in order of merit. Necessary decision in this regard shall taken by the concerned respondents within a period of four months from the date of receipt/production of a copy of this judgment.

With the aforesaid, the present writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

BT/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	27.02.2020
Transmission Date	N.A.

