

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7146 of 2020

1. Saurabhjit Son of Sri Ranjit Prasad Resident of Mohalla- A.G. Colony, P.O.- Aashiyana Nagar, PS- Shastri Nagar, District- Patna.
2. Satyendra Kumar Son of Sri Kauleshwar Sharma Resident of Mohalla- Suman Vihar, P.O.- Narkatiyaganj, PS- Shikarpur, District- West Champaran.
3. Vijay Prakash Son of Sri Bharat Lal Sah Resident of Village- Barbatta, P.O.- Barbatta, PS- Musrighrari, District- Samastipur.
4. Shahazul Alam S/O Md. Yasin R/O Village- Ramnagar, P.O.- Ramnagar, P.S.- Pipra, District- Supaul.
5. Snigdha Shahi D/O Sandeep Kumar R/O- Geeta Sadan, Park Road, P.S. Kadamkuan, District- Patna- 800003.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Health Department, Government of Bihar, Patna.
2. the Principal Secretary, Health Department, Government of Bihar, Patna.
3. The Chairman, Bihar Technical Service Commission, Harding Road, Rajbanshi Nagar, Patna, Bihar 800015 Bihar, Patna.
4. The Secretary, Bihar Technical Service Commission, Harding Road, Rajbanshi Nagar, Patna, Bihar 800015 Bihar, Patna.
5. The Deputy Secretary, Bihar Technical Service Commission, Harding Road, Rajbanshi Nagar, Patna, Bihar 800015 Bihar, Patna.

... .. Respondent/s

Appearance :

For the petitioner : Mr.Sandeep Kumar, Advocate

For Respondents : Mr. Nikesh Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 17-08-2020 Heard Mr. Sandeep Kumar, learned counsel

appearing on behalf of the petitioners and Mr. Nikesh Kumar,

learned counsel appearing on behalf of respondent Nos. 3 to 5.

The petitioners have approached this Court for a

direction to the respondents to entertain their candidatures



notwithstanding the fact that they have not completed their one year compulsory Rotatory Internship on the last date of submission of their application i.e. 28th of February, 2020.

Learned counsel for the petitioners submits that earlier the advertisement was made on 8th of August, 2019 but after the decision of the Apex Court in Civil Appeal No. 9482 (arising out of SLP (Civil) No. 12245/2017), the last date of submission of online application form was fixed as 28.02.2020. The advertisement was made after a gap of 5-6 years, and, as such, learned counsel submits that if the candidatures of the petitioners are not accepted, it will cause prejudice to them.

Considering the fact that the eligibility of one year Compulsory Rotatory Internship is mandatory and the petitioners have not completed the same, the Court is not inclined to grant any relief to the petitioners. However, liberty shall be available to the petitioners to pursue the respondents to consider their case for appointment against the vacancy particularly on account of the fact that there is need of more doctors to combat the new challenge emerging out of Covid-19 pandemic.

Accordingly, the writ petition is disposed of with liberty to the petitioners to pursue their representation and the



respondents are directed to take appropriate decision on the representation dated 24.2.2020 as contained in Annexure-4 to the writ petition at the earliest preferably within a period of one month from the date of receipt/production of a copy of this order.

With the aforesaid, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

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