

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23029 of 2019

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Dr. Gyan Ranjan, S/o Dr. Mohan Choudhary Resident of Mohalla-
Bhatiyarisaria, P.s.- Laheriasarai, District- Darbhanga, Bihar-846004

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna
2. The Principal Secretary General Administration Department, Govt. of Bihar, Patna
3. The Principal Secretary Health Department, Govt. of Bihar, Patna
4. The Joint Secretary Health Department, Govt. of Bihar, Patna
5. The Medical Council of India through its Secretary General, Pocket- 14, Sector-8, Dwarka Phase-1, New Delhi-110077
6. The Secretary General, The Medical Council of India, Pocket- 14, Sector-8, Dwarka Phase-1, New Delhi-110077

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Kumar Kaushik, Advocate
For the Respondent/s	:	Mr.P.N. Shahi, AAG-6
		Mr. Sanjeet Kumar Singh, AC to AAG-6
		Mr. Kumar Brijnandan, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

4 02-11-2020 Petitioner has prayed for the following relief(s):-

“i. For issuance of an order, direction or a writ of *certiorari* for quashing and setting aside Paragraph 2 of Annexure-A of the Senior Resident, Tutor and Bihar Medical Education Service Rules, 2008 as amended by Notification No. 1265 (17) dated 28.11.2013 whereby and whereunder it has been stipulated that one mark is to be deducted for one failure in the M.B.B.S. course examinations and candidates who have failed on more than three occasions in the aforesaid examinations have been declared ineligible for appointment to the post of



Senior Resident/Tutor.

ii. For issuance of an order, direction or a writ of *certiorari* for quashing and setting aside the stipulation made in Paragraph 8(V) of the advertisement number 08/2019 published on 03.10.2019 by the Health Department for appointment of Senior Resident/Tutor by which one mark is stated to be deducted for one failure in the M.B.B.S. examinations and candidates who have failed on more than three occasions in the aforesaid examinations have been declared ineligible for selection against the advertisement.

iii. For issuance of an order, direction or a writ of *mandamus* for directing the respondent authorities to allow the petitioner to participate in the selection process and further for directing the respondent authorities to consider his candidature for selection against the aforesaid advertisement.

iv. For issuance of an order, direction or an appropriate writ for staying the further process of recruitment against advertisement number 08/19 dated 03.10.2019 for appointment to the post of Senior Resident/Tutor during the pendency of the present writ application.”

After the matter was heard for some time, learned counsel for the petitioner seeks permission to withdraw the present petition reserving liberty to approach the respondent-State, seeking deletion of Clause II contained in Annexure-A of the Senior Resident/Tutor and Bihar Medical Education Service Recruitment, Appointment and Promotion Rules, 2008, as notified in Gazette Notification dated 10.10.2008.



Liberty, as prayed for, is granted.

We clarify that we have not expressed any opinion on the merits of the matter and only on the request of the petitioner allow the petition to be withdrawn, reserving liberty to approach the authorities. We further clarify that if the request made by the petitioner does not find favour with the authorities, it shall be open to the petitioner to take recourse to such remedies as are available in accordance with law, including filing a petition before this Court assailing the very same provision.

We are hopeful that the petitioner's request shall be considered and decided on merits, expeditiously and preferably within a period of three months from the date of receipt of such request.

Petition stands disposed of in the above terms.

(Sanjay Karol, CJ)

(S. Kumar, J)

sujit/-

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