

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8269 of 2020

1. Dr. Shanker Bharti Son of Bankey Prasad Singh Resident of Shankar Bhawan, Mohalla- Garhpar, Dekhulighat, P.S.- Bihar Sharif, District- Nalanda.
2. Dr. Ravindra Kumar Son of Ramlagan Singh Resident of Village- Sarahi Road, New Colony, Ward No.- 9, P.S.- Saharsa, District- Saharsa.
3. Dr. Devendra Kumar Son of Ram Lakhan Choudhary Resident of Mahavir Nagar, Saichak, Anishabad, Beur, Phulwari, P.S.- Beur, District- Patna.
4. Dr. Jitendra Kumar @ Jitendra Kumar Singh Son of Dinesh Kumar Singh Resident of Village- Bhindaspur, Dadpur, P.S.- Belaganj, District- Gaya.
5. Dr. Amit Kumar Gupta Son of Raju Prasad Resident of Infront of MG Bank, Gere Road, Manpur, Buniyadganj, P.O.- Gere, P.S.- Buniyadganj, District- Gaya.
6. Dr. Md. Asif Azaz @ Asif Azaz Son of Mohammad Shahumair Ansari Resident of 39, Sigori, Paliganj, P.S.- Sigori, District- Patna.
7. Dr. Anant Parashar Son of Amrendra Kumar Mishra Resident of Mohalla- Shri Vihar Colony, Gannipur, P.S.- Kazi Mohammadpur, District- Muzaffarpur.
8. Dr. Soni @ Soni Kumari Daughter of Sudheer Singh Resident of Village- Rahatpur, Balia, P.S.- Baliya, District- Begusarai.
9. Dr. Kani Dayal Khare @ K.D. Khare Son of Dujee Ram Khare Resident of Village- 267, Kosir, P.S.- Kdsir, District- Raigarh, Chattisgarh.
10. Dr. Anjali Kumari Daughter of Baleshwar Pandey Resident of Bhabhua, Ward No.- 11, Near Agarwal Petrol Pump, P.S.- Bhabhua, District- Kaimur.
11. Dr. Mohammad Adil Son of Syed Noor Mohammad Akil Khan Resident of Millat Colony, Pelawal, Opposite Union Bank, Marai Kalan, Reformatory School, P.S.- Pelawal, District- Hazaribagh, Jharkhand.
12. Dr. Ahraz Ali Imam Son of Md. Ali Raza Resident of South Gandhi Maidan, IMA Hall, Phulwari, P.S.- Gandhi Maidan, District- Patna.
13. Dr. Rekha Kumari Wife of Ravi Kumar Raman Resident of Village- Bazidpur, P.S.- Vidyapati Nagar, District- Samastipur.
14. Dr. Shweta Kumari Daughter of Arun Prasad Gupta Resident of Bal Bharti Road, Banmankhi, Ward No.- 08, P.S.- Banmankhi, District- Purnea.
15. Dr. Habibullah @ Md. Habibullah Ansari Son of Md. Mansur Alam Resident of Village- Bahrauli, P.S.- Mashrakh, District- Saran.
16. Dr. Bheemarao Kamble Son of Revappa Resident of Panchsheel Nagar, Hanjagi, P.S.- Indu, District- Bijapur, Karnataka.
17. Dr. Jeweriyah Shereen @ Dr. Jeweriyah Shareen Son of Mustafa Ansari Resident of C/o- Mohammad Aazml Hussain Raham Khan, Near Prince Plaza Marriage Hall, P.O.- Lalbagh, P.S.- Laheriasarai, District- Darbhanga.
18. Dr. Duli Chand Jat Son of Johari Mal Jat Resident of Village- Ratanpura, P.S.- Bansur, District- Alwar, Rajasthan.



19. Dr. Ankita Wife of Amit Kumar Resident of Gola Road, Chankyapuri, St. Karen s School, Danapur-cum-Khagaul, P.S.- Danapur, District- Patna.
20. Dr. Ashok Kumar Son of Shivshankar Prasad Resident of Village- Akarpur, Gadbadia, P.S.- Kaurma, District- Sheikhpura.
21. Dr. Ranvijay Bharti Son of Raghunandan Singh Resident of Rajgir Bhawan, Behind Kumharar Park, Chanakya Nagar, Kumharar, P.S.- Agamkuan, District- Patna.
22. Dr. Ritu Verma Son of Dr. Ranvijay Bharti Resident of Rajgir Bhawan, Behind Kumharar Park, Chanakya Nagar, Kumharar, P.S.- Agamkuan, District- Patna.
23. Dr. Satyendra Kumar Son of Jagdish Singh Resident of 35, Mohan Chak, P.O.- Islampur, P.S.- Islampur, District- Nalanda.
24. Dr. Mustahsan Ahmad Hashmi @ Dr. M.A. Hashmi Son of Md. Hashim Resident of C/o- Md. Hasim, Bilaspur, Ward No.- 10, P.S.- Hayaghat, District- Darbhanga.
25. Dr. Shams Taurez Son of Late Mumir Ahmad Resident of C/o- Shahnawaz, Kuchiya, Pipra, P.S.- Pataherawa, District- Kushi Nagar, Uttar Pradesh.
26. Dr. Rizwan Ahmad Son of Zakir Ahmad Resident of Village- Ladhi, Goreakothi, Sarari, P.S.- Goreakothi, District- Siwan.
27. Dr. Vivek Kumar Son of Ashok Kumar Prasad Resident of Village- Kumhar Toli, Masaurhi, P.S.- Masaurhi, District- Patna.
28. Dr. Khushboo Yasmin Wife of Sami Ahmad Resident of 07, Special Phase, Sector- 2, Khoja Imli Mazar, Phulwari, P.S.- Phulwari Sharif, District- Patna.
29. Dr. Kashinath Pandit Son of Ramjanam Pandit Resident of Village- Chuher, P.O.- Anandpur, P.S.- Karpi, District- Arwal.
30. Dr. Ravi Ranjan Son of Ram Binay Singh Resident of Village- Chakia, P.S.- Mehendiya, District- Arwal.
31. Dr. Rajeev Kumar Son of Krishna Singh Resident of Village- Barmaswa, P.O.- Barmaswa, P.S.- Harsiddhi, District- East Champaran.
32. Dr. Ajit Kumar Son of Jagnnath Prasad Agrawal Resident of C/o- Shyam Sundar Prasad Agrawal, Sankat Mochan Market, New Chitragupta Nagar, Munna Chowk, Sampatchak, P.S.- Patrakar Nagar, District- Patna.
33. Dr. Nirmala Kumari Daughter of Ambika Prasad Chaupal Resident of 66, Congress Office Campus, Sadaquat Ashram, P.S.- Patliputra, District- Patna.

... .. Petitioners

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Chief Secretary, Government of Bihar, Patna.
3. The Principal Secretary, Department of Health, Government of Bihar, Patna.
4. The Secretary-cum- CEO- Bihar Swasthya Suraksha Samiti, Department of Health, Government of Bihar, Patna.
5. The Special Secretary-cum- ED, State Health Society-cum- PD, Bihar Aids Control Society, Department of Health, Government of Bihar, Patna.



6. The Additional Secretary, Department of Health, Government of Bihar, Patna.
7. The Special Secretary, Department of Health, Government of Bihar, Patna.

... .. Respondents

Appearance :

For the Petitioners : Mr. Jagjit Roshan, Advocate
For the Respondents : Mr. Rajeshwar Singh, GA 10
Mr. Niraj Kumar, AC to GA 10

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

4 21-01-2021 Heard learned counsel appearing on behalf of the
petitioners and learned counsel appearing on behalf of the State.

The issue in the writ application relates to discrimination in the matter of appointment on the post of Medical Officers or Specialist Medical Officers/Tutors in the Medical Colleges of Bihar.

On 16.10.2020, this Court has noticed that in the process of appointment, the respondents adopted pick and choose policy and candidates higher in merit list have been appointed as Specialist Medical Officers and candidates lower in merit list were considered for posting as Senior Residents/ Tutors in the Government Medical Colleges ignoring the claim of the petitioners and others who are higher in merit position.

A counter affidavit has been filed on behalf of the respondents but the counter affidavit is vague and does not answer the issue raised in the present writ application.



Instead of keeping the matter pending, the writ application is disposed of with a direction to the respondents to adopt corrective measure if any person lower in merit list has been preferred in the matter of posting as Senior Residents/Tutors in the Medical Colleges by the respondents. In the event any higher in merit position has been ignored, the respondents have to rectify the mistake and appoint higher in merit position as Senior Residents/Tutors in the Government Medical Colleges. They have to religiously follow the policy of preferential treatment to higher in merit position in the matter of posting in the Government Medical Colleges as Senior Residents/Tutors. Corrective measure must be taken by the respondents within one month from the date of receipt/production of a copy of this order.

Accordingly, the writ application is disposed of.

(Anil Kumar Upadhyay, J)

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