

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 8869 of 2020

1. Uday Kumar, (Male), aged about 34 years, Son of Devendra Prasad Singh, Resident of Village Mehta Colony, Malighat, Post Office-Main Post Office, Police Station-Mithanoura, District-Muzaffarpur, Bihar.
2. Ashok Kumar (Male), aged about 42 years, Son of Bhogendra Ram, Resident of Village-Narauli Sen, Post Office-Binda, Police Station-Mushahri, District-Muzaffarpur, Bihar.
3. Md. Hasnain Ahmad (Male), aged about 34 years, Son of Md. Noor Hasan Khan, Resident of Purab Sarai, Azad Colony, Munger, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, General Administration Department, Patna.
2. The Principal Secretary, General Administration Department, Bihar, Patna.
3. The Department of Health and Family Welfare, through Principal Secretary, Bihar. Patna.
4. The Principal Secretary, Department of Health and Family Welfare, Bihar, Patna.
5. The Bihar Technical Service Commission through its Secretary, 19, Hardinge Road, Patna.
6. The Bihar Technical Service Commission through its Secretary, 19, Hardinge Road, Patna.
7. The Bihar State Council of Ayurvedic and Unani Medicine, K-52, Lanuman Nagar, Post Office-Lohia Nagar, Patna-20 through its Registrar.
8. The Registrar, Bihar State Council of Ayurvedic and Unani Medicine, K-52, Hanuman Nagar, Post Office-Lohia Nagar, Patna-20.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Dharendra Kumar with Mr. Amrit Anunay, Advocates
For the State	:	Mr. Sanjay Parasmani, AC to GP 4

**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH**

ORAL JUDGMENT

Date : 28-01-2021



Heard Mr. Dhirendra Kumar, learned counsel along with Mr. Amrit Anunay, learned counsel for the petitioners and Mr. Sanjay Parasmani, learned AC to GP 4 for the State.

2. The petitioners have moved the Court for the following reliefs:

“(I) For commanding the General Administration Department, Government of Bihar and the Department of Health and Family welfare, Bihar, Patna for giving appropriate directions to the Bihar Technical Service Commission Patna for modification in Advertisement no. 04/2020 as well as 05/2020 dated 28.09.2020 issued under the signature of Secretary, Bihar Technical Service Commission wherein the eligibility qualification mentioned in para 2 is confined to only B.A.M.S. degree granted by a recognised University included in the schedule of the Central Council of Indian Medicine, New Delhi and other equivalent qualification like G.A.M.S. has either been deliberately or inadvertently not mentioned.

(ii) For commanding the respondent Bihar Technical Service Commission, Patna to accordingly issue modification/corrigendum in the Advertisement dated 28.09.2020 relating to Advertisement no 04/2020 to 09/2020.

(iii) For commanding the respondents to permit/allow the holders of G.A.M.S. degree granted by Bihar State Council of Ayurvedic and Unani Medicine, Patna to appear and participate in the selection process initiated through advertisement no 04/2020 to 09/2020 dated 28.09.2020.

(iv) For holding that G.A.M.S. degree granted by Bihar State Council of Ayurvedic and Unani Medicine, Patna a body created under the Bihar Development of Ayurvedic and Unani Systems of Medicines Act, 1951 is equivalent to the degree of B.A.M.S. and is a valid degree in terms of judgment of Hon'ble Supreme Court reported in (2007) 12 SCC 728 (Bihar State Council of



Ayurvedic and Unani Medicine vs the State of Bihar & Others).

(V) For holding that the petitioners holding the degree of G.A.M.S. is eligible and entitled to participate in the selection process of appointment to the post of Ayush medical officer and physician (Ayurvedie).

(VI) For any other relief/reliefs to which the petitioners may be found entitled to.”

3. The matter has been taken up out of turn in view of submission made by learned counsel for the petitioners that the application be disposed off with liberty to file representation before the respondent no. 1, who be directed to be dispose it off within a fixed time period.

4. Learned counsel for the State does not object.

5. In view thereof, the writ petition stands disposed off with liberty to the petitioners to file a detailed representation before the respondent no. 1. If the same is done within six weeks from today, the respondent no. 1 shall look into the matter and pass a reasoned order thereupon within six weeks from the date of filing of the representation.

(Ahsanuddin Amanullah, J.)

Anand Kr.

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