

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15144 of 2021

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Deepali Daughter of Sri Sheo Shankar Prasad Singh Resident of House No. A/3, Indu Niwas, Krishi Nagar, A.G. Colony, Main Road, P.S.- Shastri Nagar, District- Patna, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Additional Chief Secretary, Department of Health, Government of Bihar, Patna.
2. The Additional Secretary Department of Health, Government of Bihar, Patna.
3. The Principal Patna Medical College Hospital, Patna.
4. The Vice Chancellor Aryabhata Knowledge University, Patna.
5. The Controller of Examination Aryabhata Knowledge University, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Prabhat Ranjan, Advocate
For the Respondent/s : Mr. Mujtabaul Haque, SC 10

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL JUDGMENT

Date : 03-12-2021

Heard learned counsel for the parties through virtual court proceedings.

In the instant petition, petitioner has sought for following relief/reliefs:

- “(i) Commanding upon the Respondents to revise the merit list in the Department of MD (Pathology) qua the petitioner pursuant to rectification of the marks after re-evaluation conducted in compliance of the order dated 08.03.2021 in CWJC No. 8457 of 2020 (Depali Vrs. The State of Bihar and others);
- (ii) Direction upon the Respondents to make posting on the appropriate post and College pursuant to the rectification of the position of the petitioner in the Merit list; and
- (iii) A declaration to the effect that the petitioner be treated to have cleared the MD (Pathology) Examination at the first



instance and is entitled to do all the consequential benefits arising therefrom on the basis of the fact that in the re-evaluation, her marks have been revised and she has been able to obtained pass percentage to clear the examination.”

In respect of petitioner’s prayer there is no demand before the competent authority. Learned counsel for the petitioner pointed out from Annexure 11 dated 11.08.2021, the same is not tallying with the relief sought in the present petition. In the representation it is sought for rectification of petitioner’s position in the merit list whereas in the present petition is to revise the merit list. Therefore, in the absence of demand before the competent authority, the petitioner is not entitled for relief of direction to the concerned respondent to revise the merit list in the department of MD (Pathology) insofar as petitioner is concerned. Therefore, the petitioner has not made out a case.

Accordingly, writ petition stands disposed off reserving liberty to the petitioner to make appropriate representation before the concerned respondent within two weeks from the date of receipt of this order. Further authority shall redress the grievance of the petitioner at the earliest.

(P. B. Bajanthri, J)

GAURAV S./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	07.12.2021
Transmission Date	NA

