

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14677 of 2019

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Rajiv Ranjan Son of Nanhaku Singh, Resident of C/06 Residentila Hostal, as Medical College Hospital, Gaya, at Present residing at 261 Guru Govind Singh Nagar Chas Bokaro, Jharkhand.

... .. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Department of Health Education and Family Welfare, Government of Bihar, New Secretariat, Patna.
2. The Principal Secretary, Department of Health Education and Family Welfare, Government of Bihar, New Secretariat, Patna.
3. The Additional Secretary, Department of Health Education and Family Welfare, Government of Bihar, New Secretariat, Patna.
4. The Joint Secretary, Department of Health Education and Family Welfare, Government of Bihar, New Secretariat, Patna.
5. Deputy Secretary to the Government of Health Education and Family Welfare, Government of Bihar, New Secretariat, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.
For the Respondent/s : Mr. Binod Kr. Yadav (Sc18)

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

Date : 14-12-2021

None appears for the petitioner.

2. In the instant petition, petitioner has prayed for following reliefs:-

“1. That this is an application praying for issuance of an appropriate Writ/Order or Direction, in the nature of a Writ of Certiorari or any other appropriate Writ/Order or direction, for quashing Note to Clause 3 (“Daa”) of Advertisement Nos. 03/2018 issued on 16.1.2019, in so far as it fixed the maximum age limit of 50 years for



contractual appointment of Doctors of the Bihar State Health Service to the post of Assistant Professor for 1 years or till regular appointments were made; The Petitioners further pray for a consequential Writ/ Order or Direction, commanding the Respondents to allow Petitioners to participate in the process of selection pursuant to the advertisement in question, for appointment to the post of Assistant Professor in different subjects and consequently to appoint them as Assistant Professor on the basis of their inter-se merit, strictly in accordance with Law, without any age bar, as has been done in all previous similar appointments to the posts of Assistant Professor since 2013 till date.”

3. Advertisement No. 03/2018 issued on 16.01.2019 for the purpose of contractual appointment of doctors in the Bihar Health Service to the post of Professor in terms of relevant Rules called “**Senior Resident/Tutor and Bihar Medical Education Service Recruitment, Appointment and Promotion Rules, 2008**”. The petitioner has not questioned the eligibility criteria reflected in the rules in the absence of challenge to the eligibility criteria mentioned in the rules. The petitioner cannot question the validity of such a clause incorporated in the Advertisement No. 03/2018 dated 16.01.2019. Unless and untill the relevant provision of law is questioned by the petitioner, this Court cannot interfere with



reference to the Advertisement No. 03/2018 issued on 16.01.2019 in prescribing the eligibility criteria for the purpose of appointment to the post of Assistant Professor.

4. Accordingly, the instant petition stands dismissed.

(P. B. Bajanthri, J)

rakhi/-

AFR/NAFR	
CAV DATE	
Uploading Date	22.12.2021
Transmission Date	

