

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1361 of 2021

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1. Shashi Kant Son of Ramayan Prasad Resident of Village-Phulpura, P.O.-Nainpura, P.S.-G.B. Nagar, District-Siwan
 2. Navin Kumar Son of Birendra Sharma Resident of Near Malaria Office, Ghagha Ghat, Mahendra, P.S.-Sultanganj, District-Patna.
 3. Vir Abhimanyu Singh Son of Kauleshwar Singh Resident of Village-Goraur, Chhabilapur Road, P.S.-Rajgir, District-Nalanda.
 4. Vivek Kumar Vibhu, Son of Yogendra Narayan Roy Resident of Village-Parsa, Ghoghardaha, P.S.-Madhubani, District-Madhubani.
 5. Lakshman Kumar Son of Bhogi Lal Yadav Resident of Village-Parsa, Ghoghardaha, P.S.-Madhubani, District-Madhubani.
 6. Rakesh Tiwari Son of Dinanath Tiwary Resident of Village-Chhitauli Kala, P.S.-Goreya Kothi, District-Siwan
 7. Sadanand Choudhary Son of Gulab Chandra Chaudhary At Present residing at Flat No.303, Apartment, Vinay Vihar Colony, Ramson Residence, P.S.-Kalyanpur, District-Dhanbad (Jharkhand)
 8. Vishwajit Kumar Son of Sudarshan Pandey Resident of Village-Dihari, P.S.-Dihari, District-Rohtas

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, General Administration Department, Govt. of Bihar, Patna.
2. The Principal Secretary, Health Department, Govt. of Bihar, Patna.
3. The Secretary, Bihar Technical Service Commission, Harding Road, Patna.
4. The Examination Controller, Bihar Technical Service Commission, Harding Road, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Rakesh Kumar Sharma, Advocate
For the State	:	Mr. S.D. Yadav, AA-IX, Mr. Braj Bhushan Mishra, Ac to AAG-IX
For the B.T.S.C	:	Mr. Nilesh Kumar, Advocate

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

Date : 15-12-2021

Heard learned counsels for the respective parties.



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

“(i) For issuance of writ in the nature of mandamus for a direction to the respondent authorities to accept the experience gained by the petitioners from the Government Hospital of the other State for the post of Ayush Medical Officer advertised by the Bihar Technical Service Commission, Patna vide Advertisement No. 04/2020 to 09/2020.

(ii) For issuance of writ in the nature of Certiorari for read down/struck down the Clause-4(iii) & 4(iv) of Advertisement No. 04/2020 to 09/2020 which relates to the Experience gain under the recognised Government Institute/Hospital of Bihar Government.

(iii) For any other relief/reliefs if petitioner found entitle in the facts and circumstances of the present case.”

Petitioner has not questioned the validity of eligibility criteria for the purpose of selection and appointment to the post of Ayush Medical Officer and he has questioned the clause imposed in the Advertisement No. 04/2020 to 09/2020 (Clause- 4 (iii) & 4 (iv)). In the absence of the challenge to the validity of rules, the petition cannot be entertained in so far challenge to the Advertisement.

Thus, the petitioner has not made out the case.



Hence, the writ petition stands dismissed, reserving liberty to the petitioner to questioned the validity of rules if so advised.

(P. B. Bajanthri, J)

Gaurav Kumar/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

