

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18035 of 2021

1. Vishal Kumar, Son of Umesh Prasad Yadav, Resident of Village- Pithahi, P.S.- Madhepura, Mathahi (O.P.), District- Madhepura.
2. Abhishek Kumar, Son of Kamlesh Kumar, Resident of Bhoot Nath Road, T.V. Tower, Opposite of Bhoot Nath Mandir, Sampatchak, P.S.- Agamkuan, District- Patna.

... .. Petitioner/s

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 Joint Secretary, Department of Health, Government of Bihar, Patna
5. The Director-in- Chief, Health Services, Department of Health, Government of Bihar, Patna.
6. The Bihar Combined Entrance Competitive Examination Board through its Chairman, I.A.S. Association Building, Near Patna Airport, Patna, Bihar.
7. The Chairman, The Bihar Combined Entrance Competitive Examination Board, I.A.S. Association Building, Near Patna Airport, Patna, Bihar.
8. The Bihar Technical Service Commission through its Secretary, 19, Harding Road, Patna, Bihar.
9. The Secretary, The Bihar Technical Service Commission, 19, Harding Road, Patna, Bihar.
10. The Deputy Secretary, The Bihar Technical Service Commission, 19, Harding Road, Patna, Bihar.
11. The Special Secretary, The Bihar Technical Service Commission, 19, Harding Road, Patna, Bihar.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Jagjit Roshan, Advocate Mr. Om Prakash Singh, Advocate Mr. Apul, Advocate Mr. Rajeev Ranjan, Advocate Mr. Amit Kumar, Advocate
For the Respondent/s	:	Mr. Pawan Kumar, AC to AG

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJAN GUPTA

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)



(The proceedings of the Court are being conducted by Hon'ble the Chief Justice/ Hon'ble Judges through Video Conferencing from their residential offices/residences. Also, the Advocates and the Staffs joined the proceedings through Video Conferencing from their residences/offices.)

Date : 22-10-2021

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s):

“1(I) Issuance of writ/writs, direction/directions, order/orders for setting aside Rule-26(i) of the Bihar Para Medical and Para Dental Educational (Permission for Establishment of Institutions) Rules, 2005 to the extent that the Mathematics may be deleted from the criteria of Minimum eligibility as it is contradictory to the Rule-5(II) of the Bihar Ophthalmic Assistants Joint Cadre (Recruitment and service Conditions) Rules, 2011 and Rule-5(1) of the Bihar Ophthalmic Assistant Cadre (Recruitment and Service Conditions) (Amendment) Rules, 2019 and further direct the Respondents to amend the Bihar Para Medical and Para Dental Educational (Permission for Establishment of Institutions) Rules, 2005 to the above extent, so that there must be uniformity between both the Rules.

(II) Issuance of writ/writs, direction/directions, order/orders for setting aside the Clause-7.1 (Gh) from the Prospectus issued for the D.C.E.C.E (PE/PPE/PMM/PM) 2021 issued by the Bihar Combined Entrance Competitive Entrance Board, Bihar to the extent



that the Mathematics shall be deleted as it is contrary to the Recruitment Rules of 2011 and 2019 and also against the Policy decision of the State Government since 2011.

(III) Issuance of writ in the nature of Mandamus directing the Respondents to decide the Representation of the Petitioner and to further take steps for amending the Bihar Para Medical and Para Dental Educational (Permission for Establishment of Institutions) Rules, 2005 to extent that the Mathematics may be deleted from the criteria of Minimum eligibility, so that, uniformity with Recruitment Rules, 2011 and 2019 may be achieved.

(IV) And further to stay the Examination as well as further process of Admission in the Diploma of Ophthalmic Assistant scheduled to be held in the light of Prospectus issued for the D.C.E.C.E. (PE/PPE/PMM/PM) 2021 issued by the Bihar Combined Entrance Competitive Entrance Board, Bihar till the final adjudication of the case.

(V) Grant any other relief or reliefs to which the petitioner may found entitled to in the facts and circumstances of this case.”

Learned counsel for the petitioner seeks permission to withdraw the present petition reserving liberty to file a fresh petition on the same and subsequent cause of action, if so required and desired.



Permission granted with liberty as prayed for.

Liberty also reserved to the petitioner to make a mention for listing of the petition on priority basis. As and when any such mention is made, Registry shall take steps for listing the petition at the earliest.

Instant petition stands dismissed as withdrawn in the aforesaid terms.

Interlocutory Application(s), if any, stands disposed of.

(Sanjay Karol, CJ)

(Rajan Gupta, J)

P.K.P./Amrendra

AFR/NAFR	
CAV DATE	
Uploading Date	26.10.2021
Transmission Date	

