

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1811 of 2022

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Surendra Prasad, Son of Bachcha Prasad Resident of Village and P.O. and
P.S.-Mairawa, District-Siwan (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Health Department,
Government of Bihar, Patna.
2. The Principal Secretary, Genral and Administrative Reforms Department,
Government of Bihar, Patna.
3. The Additional Secretry, Genral Administrative Department, Government of
Bihar, Patna.
4. The Special Secretary of Government, Health Department, Government of
Bihar, Patna.
5. The Chairman, Bihar Technical Service Commission 19, Harding Road,
Patna.
6. The Secretary, Bihar Technical Service Commission 19, Harding Road,
Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Maya Shankar Mishra, Advocate
For the B.T.S.C.	:	Mr. Nikesh Kumar, Advocate
For the State	:	Mr. Manish Dhari Singh, AC to AG

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 24-03-2022

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s):-

“That this is an application for issuance of
a writ in the nature of certiorari for quashing the Rule
2 (iii) 2 (iii) of the Bihar District Ayush Medical/State

Ayush Medical Service (Regular/Contractual appointment and Service Condition Rule- 2017) amended Rule- 2019 (in short Rule-2017 and amended of the Rule 2019 by declaring the said Section as ultravires and unconstitutional as the said rule was first time inserted by amendment of Bihar District Ayush Medical/State Ayush Medical Service (Regular/Contractual appointment and Service Condition) Rule-2010 illegally forgiving the benefit to the certain class. And/or pass such other order/orders as may appear just and proper in the facts and circumstances of the case.”

Learned counsel for the petitioner, under instructions, fairly states that the petition, in its present form, may be permitted to be withdrawn, reserving liberty to file afresh with better particulars on the same and subsequent cause of action, if so required and desired.

Prayer allowed.

Petition is disposed of as withdrawn with the liberty aforesaid.

As and when such petition is filed, registry shall process it immediately and have it listed before the appropriate Court.

Also liberty reserved to the petitioner to take recourse to such other remedies as are otherwise available in accordance

with law.

Interlocutory application, if any, shall also stands
disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Rajiv/veena-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	