

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3182 of 2022

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1. Dr. Ambuj Kumar Sharma @ Ambuj Kumar Son of Siya Sharan Singh, resident of Village - Bhattubhigha, P.O. Sheotar, Sauntar, District - Gaya, PIN - 805109.
 2. Dr. Ritesh Anand Son of Devanand Singh, resident of Village - Rahulnagar, P.O. - Sultanganj, P.S. Sultanganj, District - Bhagalpur, PIN - 813213.
 3. Dr. Manoj Kumar, Son of Sitaram, Permanent resident of House no. 531, Village and P.O. Gangaur, District Madhubani, at present residing at Opposite Nagar Nigam Hanuman Hata, Bikaner, Rajasthan, PIN - 334001.
 4. Dr. Prashant Prakash Son of Shyam Sundar Mahto, resident of Ward no. 02, P.O. - Surauli, District - Samastipur, PIN - 848211.
 5. Dr. Ravi Kumar, Son of Rajendra Prasad Yadav, resident of New Colony, Ward no. 09, behind Dr. Ajay Kumar Singh, P.O. and P.S. - Saharsa, District - Saharsa, PIN - 852201.
 6. Dr. Manoj Kumar, Son of Ramesh Prasad resident of 27, Shapur Akhada, Town and District Aurangabad, PIN - 824101.
 7. Dr. Keshav Kumar son of Hare Krishna Yadav, resident of Village and P.O. - Dhanouja, P.S. - Phoolparas, District - Madhubani, PIN - 847409.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Animal and Fisheries Resources Department.
2. The Principal Secretary, Animal and Fisheries Resources Department, State of Bihar, Patna.
3. The Director, Animal Husbandry, Bihar, Patna.
4. The Joint Director, Animal Husbandry, Bihar, Patna.
5. The Principal Secretary, General Administration Department, Govt. of Bihar, Patna.
6. The Under Secretary, General Administration Department, Govt. of Bihar, Patna.
7. The Bihar Technical Services Commission through its Chairman, Harding Road, Patna.
8. The Chairman, Bihar Technical Services Commission, Harding Road, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Ray Saurabh Nath, Adv
For the Respondent/s : Mr. Bishwa Bibhuti Kumar Singh, Ac to AG

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR



ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 14-09-2022

Heard learned counsel for the parties.

Petitioners have prayed for the following relief(s):-

- i. Declaring the Rule 5 of "Bihar Veterinary Service (Appointment and Service condition) (Amendment) Rules, 2020" read with Rule 5 (5) (A) of "Bihar Veterinary Service (Appointment and Service condition) (Amendment) Rules, 2020" to be ultra vires.
- ii. Quashing Clause 3 (ii) of resolution no. 12535 dated 17.09.2018 issued under the signature Under Secretary, General Administration Department, Govt. of Bihar, Patna.
- iii. Quashing the advertisement no. 02/2022 regarding appointment of Touring Veterinary Doctor Officer and Equivalent on the 624 vacant posts, issued by Bihar Technical Services ^{Commission} Authority.
- iv. Issuance of direction to the respondents revising the reserve category eligibility in accordance with the resolution of the General Administrative Department resolution no.11364 dated 04.09.2017.
- v. For enhancing the maximum age for the candidates in the general category as well since there was no advertisement for the filling up the vacancies in the Bihar Veterinary Services since 2017, when the last advertisement was published with regard to filling up the post of Veterinary Doctors.



After the matter was heard for some time, learned counsel for the petitioners, under instruction, states that petitioners shall be content if a direction is issued to the **respondent no. 3 Director, Animal Husbandry, Bihar, Patna**, to consider and decide the representation, which the petitioners shall be filing on all issues including relaxation in terms of institution and age, within a period of four weeks from today for redressal of the grievance(s).

Learned counsel for the respondents states that if such a representation is filed by the petitioners, the authority concerned shall consider and dispose it of expeditiously and preferably within a period of four weeks from the date of its filing along with a copy of this order.

Statement accepted and taken on record.

As such, petition stands disposed of on the following terms:-

(a) Petitioners shall approach the authority concerned within a period of four weeks from today by filing a representation for redressal of the grievance(s);

(b) The authority concerned shall consider and dispose it of expeditiously by a reasoned and speaking order preferably



within a period of four weeks from the date of its filing along with a copy of this order;

(c) The order assigning reasons shall be communicated to the petitioner;

(d) Needless to add, while considering such representation, principles of natural justice shall be followed and due opportunity of hearing afforded to the parties;

(e) Also, opportunity to place on record all relevant materials/documents shall be granted to the parties;

(f) Equally, liberty is reserved to the petitioner to take recourse to such alternative remedies as are otherwise available in accordance with law;

(g) We are hopeful that as and when petitioners take recourse to such remedies, as are otherwise available in law, before the appropriate forum, the same shall be dealt with, in accordance with law and with reasonable dispatch;

(h) Liberty reserved to the petitioners to approach the appropriate forum/Court, should the need so arise subsequently on the same and subsequent cause of action;

(i) We have not expressed any opinion on merits. All issues are left open;

The petition stands disposed of in the aforesaid terms.



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

(Sanjay Karol, CJ)

(S. Kumar, J)

ranjan/-

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

