

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3577 of 2022

Subodh Kumar Son of Makeswar Modi, Resident of Village-Chandanpura,
All Nagar, P.S.-Surajgarha, District-Lakhisarai

... .. Petitioner/s

Versus

1. The Union of India through the Additional Secretary, Ministry of Health and Family Welfare, Govt. of India, Nirman Bhawan, Maulana Aazad Road, New Delhi, 110011
2. The Additional Secretary, Ministry of Health and Family Welfare, Govt. of India Nirman Bhawan, Maulana Aazad Road, New Delhi, 110011.
3. The Additional Chief Secretary, Health Department, Government of Bihar, New Secretariate, Patna.
4. The Registrar, Pharmacy Council of India, New Delhi.
5. The Director-in-Chief, Health Service, Government of Bihar, New Secretariate, Patna.
6. The Executive Director, Bihar Health Society, Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Shashi Bhushan Singh, Advocate
For the Respondent/s	:	Mr. Additional Solicitor General
For Resp. No. 4	:	Mr. S.D. Sanjay, Advocate
		Mr. Mohit Agarwal, Advocate
For Resp. No. 6	:	Mr. K.K. Sinha, Advocate
For UOI	:	Mr. Tarkeshwar Nath Thakur, CGC

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

Date : 12-04-2022

Heard learned counsel for the parties.

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

“(I) For issuance of appropriate writ in the nature of Mandamus commanding and directing the respondent authorities to include Pharmacist certificate holders eligible for the post of Community Health



Officer in the advertisement No. 02/2022 in the light of Clause – 11.4 of National Health Policy, 2017.

(II) For issuance of any other appropriate writ/writs, order/orders direction/directions for which the writ petitioner shall be found entitled under the facts and circumstances of the case.”

3. The relief sought in the present petition cannot be adjudicated by a Court of law for the reasons that it is purely policy matter of the State Government in prescribing qualification for a particular post as held by the Apex Court in the case of ***P.U. Joshi & Others vs. Accountant General & Ors.*** reported in (2003) 2 SCC 632 and ***Union of India vs. Pushpa Rani and Others*** reported in (2008) 9 SCC 242.

4. Accordingly, the present petition stands dismissed.

5. At this stage, learned counsel for the petitioner submitted that State Government is required to follow National Health Policy, 2017 particularly Clause 11.4 for the purpose of prescribing qualification for the posts of Health and Family Welfare Department. However, in respect of the aforesaid submission the petitioner has submitted any representation to the concerned authority for the purpose of implementation of National Health Policy, 2017. Whereas petitioner has not sought for any direction for implementation of National Health Policy, 2017. In the absence of such relief sought in the present petition, the



aforesaid submission of the petitioner cannot be entertained. Accordingly, it is rejected, reserving liberty to approach the concerned authority of the State Government for implementation of National Health Policy, 2017 or to file fresh petition seeking writ of Mandamus.

(P. B. Bajanthri, J)

GAURAV S./-

AFR/NAFR	
CAV DATE	
Uploading Date	18.04.2022
Transmission Date	

