

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13714 of 2015

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Md. Gheyasuddin son of Md. Faiyazuddin Resident of Bashiruddin Manzil,
Muradpur Lane, P.O. Bankipur, Police Station- Peerbahore, District- Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar .
2. The Principal Secretary, Department of Health, Govt of Bihar, Patna.
3. The Joint Secretary, Department of Health, Govt of Bihar, Patna.
4. The Additional Secretary, Department of Health, Govt of Bihar, Patna.
5. The Deputy Secretary, Department of Health, Govt of Bihar, Patna.
6. The Director Health, Deshi Chikitsa, Department of Health, Govt. of Bihar, Patna.
7. The Joint Director, Deshi Chikitsa, Department of Health, Govt of Bihar, Patna.
8. The Principal, Govt. Tibbiya College, Kadamkuan, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Abdul Mannan Khan, Adv.
For the Respondent/s : Mr. Dhurjatti Kumar Prasad, GP -14

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 22-12-2022 Heard Mr. Abdul Mannan Khan, learned counsel for

the petitioner and Mr. Dhurjatti Kumar Prasad, learned G.P.-14.

The petitioner has approached this Court claiming his right of appointment on contract basis on the post of Unani Medical Officer in the State Tibbiya College, Patna.

The fact of the case is that an advertisement at Annexure – 1 to the writ petition was published on 29.11.2013 for appointment on contract basis for one year which can be extended for a period of three years subject to satisfactory service.



Learned counsel for the petitioner submits that pursuant to the advertisement dated 29-11-2013 published by the respondent- authorities for appointment on contract basis as Unani Medical Officer and other categories, the petitioner took interview and accordingly a panel was prepared on 11.12.2013 which was circulated *vide* letter bearing no. 779 dated 29/08/2014 (Annexure -2 to the writ petition) in which the name of the petitioner is at serial no. 108.

Learned counsel further submits that name of the petitioner finds place in the panel but despite the same the petitioner has not been appointed by the respondents on contract basis on the post of Unani Medical Officer. He also submits that candidates in other categories have been appointed by the respondents on contract basis by extending the life of the panel.

On the other hand, learned counsel appearing for the State submits that as per the terms of the advertisement the life of the panel is one year and the period of one year expired on 29.08.2015 but the petitioner has filed the present writ application on 31.08.2015 after expiry of the panel. He next submits that as per the terms of advertisement appointment was to be made for a period of one year on contract basis and the same was extendable upon satisfactory services rendered by the



employees up to a period of three years. The maximum period for appointment was four years. Since the entire period of four years have already expired and panel has become redundant accordingly the petitioner is not entitled to be considered for appointment.

Taking into consideration the rival submissions made by the parties and the terms of advertisement in which life of the panel has been prescribed as one year and that appointment on contract was to be given for a period of one year extendable up to three years and entire period of four years has already been passed, accordingly, in my opinion, no relief can be granted to the petitioner at this stage.

This writ application is dismissed.

Later on:-

At this juncture, learned counsel for the petitioner submits that the post of Unani Medical Officer and posts of other categories are still vacant and if the authority advertises the posts for appointment, the claim of the petitioner may be considered if the petitioner fulfills all the criteria for appointment.

It goes without saying that if advertisement is published for appointment in State Tibbiya College and if the



petitioner fulfills all the criteria, he can be considered in future
vacancy in accordance with law.

(Anil Kumar Sinha, J)

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