

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11760 of 2021

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Dr. Chakrapani Kumar, Son of Shree Krishna Prasad, Resident of Village +
Post- Kanhaipur, P.S.- Mokama, District- Patna (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Department of Health, Government of Bihar, Patna.
3. The Director in Chief Health Services, Bihar, Patna.
4. The Chairman, Bihar Combined Entrance Competitive Examination, Bihar
I.A.S. Association Building Near Patna Airport, Patna-1.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rudra Deo, Advocate
For the Respondent/s : Mr. Ajay Behari Sinha, GA-8

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

Date : 10-01-2022

This matter is heard via video conferencing due to
circumstances prevailing on account of COVID-19 Pandemic.

2. Heard learned counsel for the parties.

3. In the instant petition, the petitioner has prayed for the
following reliefs:

“(i) To issue an appropriate order/s, direction/s
including a writ preferably in the nature of
CERTIORARI for quashing the obstante clause i.e.
2(iv) pertaining to educational qualification prescribed
for appointment of Senior resident / tutor (three years
tenure) in the different Medical College and Hospital
situated within the state of Bihar and panel is to be
formed the same clause 2(iv) provides as follows:

“For each failure in the university
M.B.B.S. examination 01 (one) mark will be



deducted those who have passed these examination on more than three occasions will not be eligible for the panel.”

(ii) To direct the respondents to fix the eligibility criteria for the post of Senior resident / tutor like wise other medical institution.

(iii) To direct the respondents to allow the petitioner to apply ONLINE in prescribed format for formation of panel to ensure appointment of the petitioner to post of senior resident / tutor.

(iv) To any other relief/s to which the petitioner may be found entitled in the facts and circumstances of the case.”

4. Learned counsel for the respondents has pointed out Annexure- A to the counter statement, the Division Bench decision decided on 02.11.2020 in C.W.J.C. No. 23029 of 2019 and the issue involved in the present petition is identical and the same has not been disputed by the learned counsel for the petitioner.

5. In the light of the aforesaid statement, the present petition stands disposed of in terms of order passed in C.W.J.C. No. 23029 of 2019 decided on 02.11.2020.

(P. B. Bajanthri, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	12.01.2022
Transmission Date	NA

