

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14949 of 2021

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1. Akhileshwar Roy S/o Deonandan Roy, Belha, Ward NO.4, P.S. Bathnaha, District Madhubani.
 2. Mantosh Kumar S/o-Biranchi Prasad Yadav R/o Village-Khutiya, P.S.-Mansi, District-Khagaria.

... .. Petitioner/s

Versus

1. The State of Bihar through The Addl. Chief Secretary, Department of Health, Patna.
2. The Bihar Technical Service Commission, Patna.
3. The Secretary, Bihar Technical Service Commission, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Suraj Narain Yadav, Advocate
For the Respondent/s : Mr. Pankaj Kumar (SC 12)

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

Date : 23-02-2022

Heard learned counsel for respective parties.

In the instant petition, petitioners have prayed for the following relief(s):-

“For issuance of a writ in the nature of mandamus and/or any other appropriate Writ, order direction commanding upon the respondents to direct thee respondents to consider the MD Degree of the petitioner as prescribed in the selection procedure Clause-4 of the Clause-4 of the advertisement 06/2020 by extending the date of 28.10.2020 as prescribed in clause-9 of the said advertisement for appointment to the post of Homeopathic Medical Officer.”



Petitioners are candidates for recruitment to the post of Homeopathic Medical Officer pursuant to Advertisement No. 06 of 2020. The last date for submission of application for the post is 28.10.2020.

Learned counsel for the petitioners submitted that petitioners have acquired MD qualification subsequent to 28.10.2020. If the last date is extended petitioner would get necessary marks which is prescribed for acquisition of MD qualification. Due to cut off date as 28.10.2020 the petitioners are losing marks in respect of acquisition of MD qualification.

Undisputedly, the petitioners have not questioned the validity of cut off date 28.10.2020 in the advertisement. It is submitted that even though course was completed in the year 2019 relating to MD whereas the result was announced only subsequent to October, 2020, therefore, it was beyond the control of the petitioners. The MD qualification result was announced in the month of February, 2021, thus, petitioner does not fulfil the education qualification so as to seek additional marks which has been earmarked for MD qualification. Time and again, Hon'ble Apex Court has held that last date of application is the criteria for the candidates to fulfil the requisite qualification prescribed for a particular post.



In the light of these facts and circumstances, the petitioner has not made out a case. Accordingly, the present petition stands dismissed.

(P. B. Bajanthri, J)

Vikash/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	
Transmission Date	N/A

