

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.583 of 2021

1. Mohd. Ijrail Ansari, Son of Tasawar Hussain, Resident of Village-Baijalahan, Police Station-Gopalpur, District-Gopalganj, at Present APHC Baghauni, Police Station-Hussainganj, District-Siwan.
2. Hans Nath Prasad Son of Ramsurat Prasad Resident of Village-Ormamukund, Police Station-Siwan Muffasil, District-Siwan, at Present APHC Ukhai, Police Station-Patruckhi, District-Siwan.
3. Vishwakarma Sharma Son of Dinanath Sharma Resident of Village-Hasua, Police Station-Nautan, District-Siwan, at Present APHC Baijpur Police Station-Basantpur, District-Siwan.
4. Dhananjay Kumar Verma Son of Deonarayan Prasad Verma Resident of Village-Guthni, Police Station-Guthni, District-Siwan, at Present APHC Dumrahar, Police Station-Darauli, District-Siwan.
5. Ram Badab Harijan Son of Ram Adhar Harijan, Resident of Village-Miyan Gundi, Police Station-Guthni, District-Siwan, at Present APHC Tilmapur, Police Station-Nutan, District-Siwan.
6. Gholan Ahmad Ansari Son of Hakeem Gholan Rasool, Resident of Village-Moghalpura Sampatchak, Police Station-Khajekalan, District-Patna-800008, at Present APCH Mahuwal, Police Station-Hussainganj, District-Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department of Health, Government of Bihar, Patna.
2. The Principal Secretary Department of Desichikitsha Patna.
3. The Technical Service Commission, 19 Harding Road. Patna through the Secretary
4. The Secretary The Bihar Technical Service Commission, 19 Harding Road. Patna
5. The State Health Society Bihar Pariwar Kalyan Bhawan Sheikhpura Patna through the Executive Director.
6. The Chief Medical Officer. Siwan.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Irshad Ahmad Khan, Advocate
For the Respondent/s : Mr. Birju Prasad, GP 13

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

Date : 13-01-2022

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



In the instant petition, petitioners have prayed for the following reliefs:-

“(i) For issuance of an appropriate writ order or direction to regularize the services of the Petitioner on the respective posts of Ayush Doctor (Unani Ayurvedic Homeo) upon which the Petitioners have been working since more than 10 years.

(ii) For quashing the advertisement No. 04/2020 to 09/2020 by which the respondents have invited application for the appointment on the sanctioned posts of Ayush Doctors (Unani/Ayurvedic/Homeo) on regular Pay Scale including post upon which the Petitioners have been working since more than 10 years.

(iii) For issuance of an appropriate order or diction for grant of ad-interim stay of Advertisement No. 04/2020 to 09/2020 in respect of the Ayush Doctors.

(iv) For issuance of an appropriate writ/s, order/s or direction/s from dislodging the petitioners from the post of Ayush Doctors (Unani/Ayurvedic/Homeo) upon which on contract basis after adopting the due selection process by the respondents.

(v) For grant of any other relief and reliefs be granted to the petitioner for which he is found entitled in the facts as well as in laws.”



Learned counsel for the petitioners on instruction submitted that petitioners are not pressing prayer no. 2 insofar as challenge to the Advertisement No. 04/2020 to 09/2020. Thus, what remains in the present petition is whether the petitioners’ are entitled to regularization against the post of Ayush Doctor (Unani/Auyurvedic/Homeo) or not?

The concerned respondent is hereby directed to examine the petitioners’ grievance relating to regularization and pass speaking order as to whether the petitioners are entitled for regularization to any one of the post of Ayush Doctor (Unani/Ayurvedic/Homeo) or not in view of Govt. Circular dated 03.06.1973 (Annexure-2). The aforesaid decision shall be taken within a period of three months from the date of receipt of this order.

With the aforesaid observations, the present writ petition stands disposed off.

(P. B. Bajanthri, J)

Vikash/-

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

