

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15897 of 2019

1. Rajesh Kumar Sinha Son of Shri Krishna Kant Prasad Sinha Resident of Mohalla-Hindpiri, 1st Street, P.O. and P.S.-Hindpiri, District-Ranchi (Jharkhand). At present posted as Drugs Inspector, Patna-1 and presently residing at Flat No. B-103, Moti Apartment, Ramjaipal Road, Near Dr. B.R. Ambedkar Dental College, P.O.-Dr. B.R. Ambedkar Dental College, P.S.-Rupaspur, Danapur, District-Patna, Pin Code-801503
2. Chandra Kant Jha Son of Late Kali Jha, Resident of Village-Kakroul, Police Station-Rahika, District-Madhubani
3. Prabhat Kumar Choudhary, Son of Late Nawal Kishore Choudhary, R/o Mohalla-Kaliwari, Post Office-Kaliwari, Police Station-Kanti, District-Muzaffarpur

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Health Department, Government of Bihar, Patna
2. The Principal Secretary Health Department, Government of Bihar, Patna
3. The Joint Secretary Health Department, Government of Bihar, Patna
4. The In-Charge State Drug Controller Bihar, Patna
5. The Principal Secretary Department of Personnel and Administrative Reforms, Government of Bihar, Patna

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Harshwardhan Sahay, Advocate
For the Respondent/s : Mr. Pawan Kumar, AC to AG

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 02-08-2022

Heard learned counsel for the parties.

Petitioners have prayed for following reliefs:-

“(I) To declare or hold that Rule 4(2) as far as the State Drugs Controller is concerned read with Rule 2 (xvi) of the Bihar Drug Control Cadre Rule, 2014 is violative of Rule

2(X) of Bihar Drug Control Cadre Rule 2014 read with Rule 50-A of the Drug & Cosmetics Rules, 1945 and Article 16(1) of the Constitution of India.

(ii) For directing the respondents to frame Recruitment Rule for appointment of State Drug Controller.

(iii) For any other relief/reliefs for which the petitioner is entitled under law as well as on facts.”

Shri Pawan Kumar, AC to learned Advocate General, under instruction states that vide impugned Cadre Rule, namely, Bihar Drug Control Cadre Rule, 2014 (Annexure 7, Page 29), the provisions of the Drugs & Cosmetic Rules, 1945 and more specifically Rules 50 and 50A have not been done away with. He further adds that it is the stand of the department that only such of those persons, who fulfill the eligibility criteria prescribed under the said Rule, would be eligible for promotion under and in terms of the impugned cadre Rules, namely, Bihar Drug Control Cadre Rule, 2014 (Annexure 7, Page 29).

In this view of the matter, we do not find the challenge to Rule 4(2) and Rule 12 of the aforesaid Cadre Rule, 2014 to be in any manner, repugnant to the present statute i.e. the Rules or the Constitution of India.

As such, we do not find any merit in the petition and
is, accordingly, dismissed.

Interlocutory Application(s), if any, stands dismissed.

(Sanjay Karol, CJ)

(S. Kumar, J)

Sanjay/- Ranjan

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	04.08.2022
Transmission Date	NA