

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6444 of 2018

Dr. Jai Prakash Sinha @ Dr. Jay Prakash Sinha Son of Late Bishwanath Sinha, Resident of 71, Vikramshila Colony, Tilkamanjhi, P.S.- Kotwali, Bhagalpur District- Bhagalpur.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Department of Health, Government of Bihar, Bihar, Patna.
3. The Bihar Public Service Commission, 15 Jawaharlal Nehru Road Bailey Road, Patna- 800001.
4. The Special Secretary cum Controller of Examination, Bihar Public Service Commission, 15 Jawaharlal

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Dinesh Maharaj, Advocate
For the Respondent/s : Mr.Pushkar Narayan Shahi -AAG-6

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 12-07-2022

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s):-

- (i) Issuance of a writ in the nature of Mandamus/or any other writ/writs to the respondents to adhere to the broader criteria within the criteria as provided in the Senior Resident/Tutor And appointment in Bihar Medical Education service appointment filling and appointment, and promotion Rules 2013 to the extent it provides for computation of points in Annexure A to the Rules.

- (ii) Further, for issuance of direction to the respondents to follow graded reasonable criteria instead of Block criteria i.e. if the rules provide that a candidate who secured above 70%, 5 points would be calculated and if a candidate secured 65% 4 points would be calculated, the respondents may calculate 4 points in case of 65% and further for 66%, 67%, 68%, 69% they may calculate 4.2, 4.4, 4.6, 4.8 respectively without compromising merit criteria and ensure the due comparative merits/graded merits.
- (iii) Any other relief or reliefs for which the petitioner is found entitled be granted to him.

After the matter was heard for some time, learned counsel for the petitioner, under instructions, states that petitioner shall be content if a direction is issued to the authority concerned i.e. **(respondent no. 2, The Principal Secretary, Department of Health, Government of Bihar, Bihar, Patna)** or any of the statutory authority to consider and decide the representation which the petitioner shall be filing within a period of four weeks from today for redressal of the grievance(s).

Learned counsel for the respondents states that if such a representation is filed by the petitioner, the authority

concerned shall consider and dispose it of expeditiously and preferably within a period of four months from the date of its filing along with a copy of this order.

Statement accepted and taken on record.

As such, petition stands disposed of in the following terms:-

(a) Petitioner shall approach the authority concerned within a period of four weeks from today by filing a representation for redressal of the grievance(s);

(b) The authority concerned shall consider and dispose it of expeditiously by a reasoned and speaking order preferably within a period of four months from the date of its filing along with a copy of this order;

(c) Needless to add, while considering such representation, principles of natural justice shall be followed and due opportunity of hearing afforded to the parties;

(d) Also, opportunity to place on record all relevant materials/documents shall be granted to the parties;

(e) Equally, liberty is reserved to the petitioner to take recourse to such alternative remedies as are otherwise available in accordance with law;

(f) We are hopeful that as and when petitioner takes

recourse to such remedies, as are otherwise available in law, before the appropriate forum, the same shall be dealt with, in accordance with law and with reasonable dispatch;

(g) Liberty reserved to the petitioner to approach the appropriate forum, if the need so arises subsequently on the same and subsequent cause of action;

(h) We have not expressed any opinion on merits. All issues are left open;

(i) The proceedings, during the time of current Pandemic- Covid-19 shall be conducted through digital mode, unless the parties otherwise mutually agree to meet in person i.e. physical mode;

The petition stands disposed of in the aforesaid terms.

Interlocutory Application(s), if any, stands disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Rajiv/veena-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	