

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1896 of 2019

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Md. Aftab Alam S/o Md. Waris Imam Resident of Fida Hussain Path, Near
Good Books Street, Makhdumabad, Jehanabad, Bihar, 804408

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Principal Secretary Health Department, Govt. of Bihar
3. Director Deshi Chikitsa Nideshalaya, Govt. of Bihar
4. Principal Rajkiya Tibbi College and Hospital, Kadamkuan, Patna- 800003
5. Md. Shamim Akhtar S/o Md. Ibrahim Ansari Vill and Po.- Basmatiya, Distt.-
Araria

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Kamal Kishore Singh Mr. Arshad Jameel Hashmi
For the Respondent/s	:	Mr. S. D. Yadav (AAG 9) Mr. A. K. Verma, AC to AAG 9

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

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| 3 | 12-10-2023 | <ol style="list-style-type: none">1. Heard learned Counsel for the parties concerned.2. The petitioner has filed the present writ application for a
direction to the authorities to appoint the petitioner on the
post of Lecturer in Government Tibbi College and
Hospital, Patna.3. Learned Counsel for the petitioner submits that the
petitioner applied for appointment on the post of Lecturer
on contractual basis in Government Tibbi College and
Hospital, Patna, pursuant to the advertisement, issued on |
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29.11.2013 in Hindustan daily newspaper. He further submits that the petitioner appeared in the interview on 10.12.2013 at Government Tibbi College and Hospital, Patna, result of which was published on 17.01.2014, but surprisingly the petitioner, despite having requisite qualification, was not appointed and respondent no. 5, Md. Shamim Akhtar, was appointed, even though he was not having the requisite qualification for being appointed as Lecturer as per the guidelines of Central Council of Indian Medicine.

4. Learned Counsel for the respondents-State submits that the present writ application has become infructuous inasmuch as the appointment on contractual basis on the basis of walking interview was held in the year 2014 for a period of one year, which was extendable further. The tenure of the said appointment lapse after one year. The petitioner did not raise any grievance in the year 2014 before expiry of the panel and after regular selection on the post of Lecturer in Government Tibbi College and Hospital, Patna having been made pursuant to the recommendation of the Bihar Public Service Commission, the petitioner has filed the present writ



application, raising an issue that the petitioner was not appointed on contractual basis, about five years back, i.e. in the year 2014. He further submits that the Bihar Public Service Commission issued an advertisement for appointment on the post of Lecturer in Government Tibbi College and Hospital, Patna, in which other eligible candidates were also permitted to participate, including the contractual Lecturers. Admittedly, the petitioner did not participate in the selection process conducted by the Bihar Public Service Commission in the year 2019.

5. Having heard learned Counsel for the parties concerned and taking into consideration the fact that the petitioner has filed the present writ application after lapse of five years, raising the grievance regarding denial of appointment on contractual basis and further the petitioner has, admittedly, not applied for regular appointment as Lecturer, pursuant to the advertisement issued by the Bihar Public Service Commission, in which respondent no. 5 has been appointed as Lecturer on the recommendation made by the Bihar Public Service Commission, I do not find any merit in this writ application.



6. This writ application is, accordingly, dismissed.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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