

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.577 of 2016

In
Civil Writ Jurisdiction Case No.16937 of 2015

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1. Dr. Rajeev Chandra, Son of Abhay Chandru Sahu, Resident of Jorawardih, P.O. and P.S.- Kawakol, District- Nawadah
 2. Dr. Pankaj Kumar, son of Kamleshwari Paswan, Resident of Jagdev Nagar, Laliyahi, P.s.- Katihar, District- Katihar
 3. Dr. Jatish Kumar Singh, son of Krishna Nandan Singh. Resident of New Chandmari, Brahamsthan, P.O.- Motihari, P.S.- Motihari, District- East Champaran
 4. Dr. Raman Aryabhatta, Son of Sri Sahdeo Singh, resident of New Colony, Bhalushi, P.O. and P.s.- Gaya, District- Gaya

... .. Appellant/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Department of Health, Govt. of Bihar, Patna.
3. The Bihar Public Service Commission, Patna through its Chairman.
4. The Secretary, Bihar Public Service Commission, Patna.
5. Dr. Anil Kumar Singh, son of Sri Bhagwan Singh, resident of Kalyanpur, P.O.- Silari, P.S.- Karaghar, District- Rohtas.
6. Dr. Sanjeev Kamal, Son of Upendra Pandey, Resident of Hela Bazar, P.S.- Sadar Hajipur, District- Vaishali.
7. Dr. Chandrajit Kumar Das, Son of Anand Narayan Lal Das, resident of Pardi, P.S.- Pardi, District- Darbhanga.
8. Dr. Navin Kumar, Son of Om Prakash Gupta, resident of Pirpaiti Bazar, P.S.- Pirpaiti, District- Bhagalpur.
9. Dr. Madhukar, Son of Dr. Ramesh Chandra Sharma, resident of 301, Atul Vilas Kunj, Kidwaipur, P.S.- Kotwali, District- Patna.
10. Dr. Rajeev Ranjan, Son of Sri Suresh Choudhary, resident of Village and P.O.- Silao, P.S.- Silao, District- Nalanda.
11. Dr. Md. Balal, Son of Md. Idrish Ansari, resident of Gokhula, P.S.- Chiraiya, District- East Champaran, Motihari.
12. Dr. Vijay Kumar Das, Son of Late Kapileshwar Das, resident of House No. 24, Raod No.2, East Patel Nagar, near Gandhi Murti, P.S.- Shastri Nagar, District- Patna.
13. Dr. Manish Kumar, Son of Mahavir Prasad Singh, resident of Mohalla- Malighat, P.S. Mithanpura, District- Muzaffarpur.
14. Dr. Bal Krishna Choudhary, Son of K. Mohan, resident of Bhagalpura, P.S.- Tarapur, District- Munger.
15. Dr. Mritunjay Pandit, son of Late Ram Lochan Pandit, resident of Village- Bajarpar, P.O.- Khesar, P.S.- Belahar, District- Banka.
16. Dr. Anil Kumar, Son of Shambhu Lal Yadav, resident of Manika Patha, P.S.- Banka, District- Banka.
17. Dr. Mawsood Alam, Son of Md. M. Rahman, resident of Flat No. 403, Hightech Archieve, Opposite C.D.A. Building, Rajendra Path, Station Road, P.S.- Kadamkuan, District- Patna.



18. Dr. Manoj Kumar, Son of Manohar Prasad Singh, resident of AtP.O.- Tetrabad, Tola- Chandanpura West, District- Khagaria.
19. Dr. Rafat Ara, Wife of Dr. Syed Neraj Hussain, resident of Hussain Nursing Home, Khan Bahadur Road, P.S.- Jehanabad, District- Jehanabad.
20. Dr. Raju Kumar, Son of Jai Prakash Rajak, resident of Kalrampur, P.S.- Munger, District- Munger.
21. Dr. Dhiraj Kumar, Son of Ram Awatar Sahu, resident of Village- Sangi, District- Madhubani.
22. Dr. Ashok Kumar Mandal, Son of Shashi Nath Mandal, resident of At P.O.- Madhupur, District- Madhubani.
23. Dr. Vijay Kumar Yadav, Son of Yamuna Prasad Yadava, resident of Village- Brahmpur, P.S.- Brahmpur, District- Buxar.
24. Dr. Zakir Hussain, Son of Md. Hakim, resident of Katiya, P.S.- Katiya, District- Gopalganj.
25. Dr. Amrendra Kumar Amar, Son of Maheshwari Prasady Yadav, of Village- Pipra, District- Supaul
26. Dr. Md. Aftab Alam, son of Abbas Ansari, resident of Mohalla- Dumduma, Laheriasarai, District- Darbhanga.
27. Dr. Rajnish Kumar, Son of Deep Narayan Pandit, resident of Adarsh Nagar, Patel Road, P.O.- Sultanganj, P.S.- Sultanganj, District- Bhagalpur.
28. Vijay Kumar, Son of Hazari Lal Choudhary, resident of Manikchand Talab, Anishabad, P.S.- Gardanibagh, District- Patna.
29. Dr. Prasanna Kumar Mishra, son of Anand Mohan Mishra, Resident of village- Kharajpur, P.O.- DMC, District- Darbhanga

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Jagjit Roshan, Advocate
For the Respondent/s : Mr. R.R.K. Pandey, SC-29

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

13 10-05-2023

The question raised in the above writ petition is as to whether the diploma held by the petitioners are recognised by Medical Council of India.

2. The question has already been answered in LPA No. 2295 of 2015. We extract paragraph nos. 5 and 6 of the aforesaid judgment, which read as follows:-



"05. It is not disputed that the diploma courses undergone by the respective appellants were not recognized by the MCI as on the last date of submission of application for the post of Specialist Medical Officer pursuant to advertisement issued in the year 2014 and not even the date on which CWJC No. 16937 of 2015 was decided on 08.12.2015. In other words, the appellants were not eligible to apply for the post.

*06. The Apex Court in the case of **Union Of India vs Mahendra Singh [Civil Appeal No. 4807 of 2022 (arising out of SLP (Civil) No. 19886 of 2019)]** decided on 25.07.2022 held that last date of submission of application is relevant for the purpose of considering application for any post. In other words, as on the last date of submission of application one must be eligible. In the present case, appellants were not eligible as on the last date of submission of application in the year 2014 for the post of Specialist Medical Officer and their Diploma in the respective subject was recognized by MCI only on 29.12.2017 and by that time selection and appointment to the post of Specialist Medical Officer was over."*

3. The LPA No. 2295 of 2015 was dismissed and following the same, the instant LPA also stands dismissed.

(K. Vinod Chandran, CJ)

(Madhuresh Prasad, J)

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