

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.324 of 2021

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Mohammad Zahid Iqbal Son of Md. Sahabuddin, Resident of House No. 247/2 Mohalla - Harun Nagar, Sector -2, P.S. Phulwarisharif, District - Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Health Department, Government of Bihar, Patna.
2. The Special Secretary-cum-Chairman, Selection Committee, Tibbi College, Patna.
3. The Director Unani Medicine, Health Department, Government of Bihar, Patna.
4. The Additional Director, Health Service Patna, cum Member Selection Committee.
5. The Principal, Govt. Tibbi College and Hospital, Patna, cum Member Secretary Selection Committee.
6. The Principal Ayurvedic College and Hospital, Patna cum Member Selection Committee.
7. That Principal, Homeopathic College, Muzaffarpur, cum Member Selection Committee.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Mohammad Sufyan, Advocate
For the State	:	Mr. Ramadhar Singh, GP- 25 with Mr. Harendra Kumar, AC to GP- 25

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

4 06-07-2023 Heard learned counsel for the petitioner and learned counsel for the State.

Advertisement was published for appointment of Professor in the Government Tibbi College, Patna. The process of selection was by way of a walk in interview, since the selection process was for contractual engagement. The date of walk in interview was 05.09.2020. The petitioner's grievance is



that in the provisional list, which was published on 11.09.2020, against petitioner's name, there was a remark that he had not appeared in the interview on 05.09.2020.

Learned counsel for the petitioner submits that, in fact, the petitioner was prevented from appearing in the interview on 05.09.2020, and the petitioner to this effect has lodged an objection, copy of which is enclosed with the writ petition at Annexure- 4. He, therefore submits that the selection of the candidates, by wrongly excluding him from the selection process, is unsustainable. The final result dated 24.09.2020, has also been assailed by filing Interlocutory Application No. 1 of 2021.

Objection (Annexure- 4) being relied upon by the learned counsel for the petitioner is of the same date, on which the provisional result has been published, i.e., 11.09.2020.

Having been prevented from appearing in the interview on 05.09.2020, the petitioner did not lodge any protest till 11.09.2020, when provisional list was published. It is difficult to accept that the petitioner would have waited for the provisional list to be published for making an objection that he was wrongly prevented from participating in the interview. The petitioner has not stated any reason justifying the non submission of objection



on the date of interview, or thereafter till publication of provisional list. The pleadings on record, therefore do not inspire confidence to invoke the writ jurisdiction to cancel the final result of selection on the ground that he was prevented from appearing in the interview.

In view of consideration above, the writ application is devoid of merit and is accordingly, dismissed.

(Madhuresh Prasad, J)

Raj kishore/-

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