

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3433 of 2018

-
-
1. Dr. Spriha Smriti, Wife of Dr. Shakti Kishore, at present Tutor, Microbiology, PMCH, Patna, Resident of Malahi Pakri, Near Ishan International School, West Kankarbag, P.S.- Kankarbag, District- Patna.
 2. Dr. Shakti Kishore, Son of Kaushal Kishore Singh, presently Sr. Resident, Orthopaedics, PMCH, Patna at present residing at Malahi Pakri, Near Ishan International School, West, Kankarbag, P.S.- Kankarbag, District- Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar through Principal Secretary, Department of Health & Medical education, Government of Bihar, Patna.
2. The Principal Secretary, Department of Health and Medical Education, Government of Bihar, Patna.
3. Bihar Public Service Commission through its Secretary, 15, Jawaharlal Nehru Marg Bailey Road, Patna.
4. The Chairman, Bihar Public Service Commission, 15, Jawaharlal Nehru Marg Bailey Road, Patna.
5. The Secretary, Bihar Public Service Commission, 15, Jawaharlal Nehru Marg Bailey Road, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Vikas Kumar, Advocate Ms. Anjali Kumari, Advocate
For the State	:	Mr. Anil Kumar Verma, (AC to AAG-9)
For the BPSC	:	Mr. Sanjay Pandey, Advocate Mr. Nishant Kumar Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL JUDGMENT

Date : 04-10-2023

Heard learned counsel for the petitioners, learned counsel for the State and learned counsel for the BPSC.

2. Learned counsel for the petitioners submits that the present writ petition has been filed for quashing of the advertisement dated 24.04.2017 issued by Bihar Public Service



Commission for appointment of Assistant Professor in different medical colleges and hospitals in the State of Bihar in which several criteria has been laid down which is contrary to the Bihar Medical Education Service Cadre, Recruitment, Appointment and Promotion Rule, 2008 as amended up to 2013. The further prayer in the writ petition has been made for setting aside clause 5 (cha) from the advertisement which is contrary to the aforesaid rule namely Bihar Medical Education Service Cadre, Recruitment, Appointment and Promotion Rule, 2008 as amended up to 2013.

3. Learned counsel for the petitioners further submits that the State of Bihar has continuing *ad hocism* and the said *ad hocism* is basically fatal against the medical college and hospital running within the jurisdiction of Bihar. Learned counsel also submits that the State has permitting the *ad hocism* relating to appointment of Assistant Professor on the teaching post in medical college against the undertaking given by the State Government before the Hon'ble Division Bench also.

4. Learned counsel for the petitioners fairly submits that prior to filing the present writ petition, the petitioners have moved before this Hon'ble Court in CWJC No. 7435 of 2017 which was decided on 17.07.2017 and again in Letter Patents



Appeal No. 1105 of 2017 which was decided on 16.01.2018 in which the prayer of petitioners for quashing clause 3 of the advertisement dated 24.04.2017 was rejected.

5. Learned counsel for the State submits that the question of applicability of 5 (cha) of the advertisement shall arise only for those candidates whose matter covers under clause 3. Learned counsel for the State further submits that here in the present case, the claim of the petitioners challenging clause 3 of the advertisement has already been rejected and in this view of the matter, the prayer for challenging clause 5 (cha) of the advertisement may not arise.

6. In this view of the matter, learned counsel for the petitioners seeks permission to withdraw the present writ petition granting liberty to him to raise the question of stopping the *ad hocism* which is going on in the medical colleges at the instance of the State which is fatal for the health of the medical colleges and hospital running in the territory of Bihar.

7. In the light of the submissions made, the present writ petition is dismissed as withdrawn with the liberty to the petitioners that in case the fresh advertisement comes in future, then the petitioners shall raise their grievances for any wrongs relating to the faculties.



8. Accordingly, the present petition stands dismissed as withdrawn with the liberty aforesaid.

(Dr. Anshuman, J.)

Divyansh/-

AFR/NAFR	
CAV DATE	
Uploading Date	06.10.2023
Transmission Date	

