

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6098 of 2024

1. Ashok Kumar Dubey Son of Sri Tribhuwan Nath Dubey, Resident of village - Soni Sonakara, P.O. - Santhi, P.S. - Raghunathpur, District - Siwan at present House No. 98, Mahamanapuri Colony Karaudi, B.H.U, Karaundi, Varanasi.
2. Ashutosh Kumar Pandey, Son of Sree Ram Pandey, resident of Village - Pareji, P.O. - Jairore, P.S. - Andar, District - Siwan at present R/o- House No. 58, Ward No. 08, Chandaupara, Wadraf Nagar, District - Balrampur, State - Chhatisgarh.
3. Shashiketu Ojha, Son of Late Ramchandra Ojha, Resident of Village and P.O. - Chakara, P.S. - Muffasil Siwan, District- Siwan.
4. Kumari Garima, Wife of Deepak Kumar, resident of village - Sareya Kali Ashan, Ward No. 13, P.S. - Gopalganj Town, District- Gopalganj.
5. Rananjay Kumar Singh, Son of Late Chandradeo Singh, Resident of Village - Mairwa, P.S. - Mairwa, District - Siwan.
6. Shyam Bandhu Rai, Son of Hari Kishor Rai, Resident of Village and P.O. - Tiyya, P.S. - Andar, District - Siwan.
7. Ajay Kumar Singh, Son of Shrinath Singh, Resident of Village- Rampur Nikari, P.O. - Done, P.S. - Dalauli, District- Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Govt. of Bihar, Patna.
2. The Chief Secretary, Government of Bihar, Patna.
3. The Principal Secretary, General Administration Department, Govt. of Bihar, Patna.
4. The Principal Secretary, Department of Health and Family Welfare, Govt. of Bihar, Patna.
5. The Principal Secretary, Department of Finance, Govt. of Bihar, Patna.
6. The Director (Ayurveda, Unani, Homeopathy) Deshi Chikitsa, Department of Health, Govt. of Bihar, Patna.
7. The Bihar Technical Service Commission, 19, Harding Road, Patna through its Secretary.
8. The Chairman, Bihar Technical Service Commission, 19- Harding Road, Patna.
9. The Secretary, Bihar Technical Service Commission, 19- Harding Road, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Maya Shankar Mishra, Adv.
For the State	:	Mr. Kumar Pankaj, AC to SC-5
For the BTSC	:	Mr. Nikesh Kumar, ADV.



CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 25-04-2024 The present writ has been filed seeking the following
reliefs:-

“1(i). For issuance of a writ in the nature of mandamus directing and commanding the respondents to immediately stay the ongoing appointment process against advertisement No. 04/2020 published under the signature of Secretary, Bihar Technical Service Commission under the State of Bihar for the regular appointment of Ayurvedic Medical Officer being illegal, arbitrary, and in violation to the terms and conditions in the said advertisement.

(ii). For issuance of a direction to the respondents to publish a fresh result for the post of Ayurvedic Medical Officer with regard to the advertisement No. 04/2020 by showing the merit marks of the selected candidates and the name of their registration of Ayus and Unani Council and the name of institution of their experience certificate for fairness and transparency as the final result published vide No. 03/Exam-BTSC-(vi.)- 06-02/2022 462 dt. 21.02.2024 under the signature of In-charge Secretary Bihar Technical Commission, Patna lacks of transparency as no merit marks of selected candidates as well as name of Institution of their registration and name of Institution of their experience certificate were disclosed which



cannot be said to be fair and transparent.

(iii). Further for issuance of a direction to the respondents to first make appointment of the vacancy occurred in the year 2000 to 2015 which vacancy was included in the advertisement No. 04/2020 on basis of educational marks without giving any weightage experience certificate for in view of the Bihar District Ayush Medical Service (Regular/contractual appointment and service condition) Rule-2010 which was amended in year 2017 in which First time weightage marks for experience was added as the petitioners are above the more than 44 years of age and have passed out in year 2007 and have got change to appear in the said advertisement after relaxation of age granted by this Hon'ble Court and the said vacancy is last vacancy for the petitioners who have secured better qualificational merit marks than the several selected candidates but due to extra weightage/marks for experience they have been deprived from the appointment.

(iv). Further direction be issued to the respondents to appoint the petitioners on the 54 posts under Ur category which is lying still vacant with regard to the advertisement No. 04/2020 on sympathetic ground as they are not eligible for next vacancy on the ground of their age as for the post of Ayurvedic Medical Officer under UR category was advertised as 602 and final result dt. 21.2.2023 was published for 548 posts for UR category and still 54 posts



are still lying vancant.”

2. After some arguments, the learned counsel for the petitioners seeks liberty on behalf of the petitioners to approach the Respondent authorities for redressal of their aforesaid grievances. Liberty, so sought, is granted.
3. Accordingly, the writ petition stands disposed off.

(Mohit Kumar Shah, J)

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