

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6242 of 2022

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Kamal Nayan, Son of Yugeshwar Prasad Sharma, Resident of Village Gauri Bigha, P.O. Korap, P.S. Guraru, District Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Health Department, Government of Bihar.
2. The Additional Chief Secretary, Health Department, Government of Bihar, Patna.
3. The Additional Secretary, Health Department, Government of Bihar, Patna.

... .. Respondent/s

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Appearance:

For the Petitioner/s	:	Mr. Shashank Deo Sudhi, Advocate Mr. Narendra Kumar, Advocate Mr. Akash Ambuj, Advocate
For the Respondent/s	:	Mrs. Shweta Anand, AC to GP 13

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CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

5 26-09-2024 The contractual appointment in the post of the Lecturer in Dentistry is under challenge by the petitioner in the instant writ petition. An advertisement was published bearing Advertisement No. 13/2019, for appointment on the post of Lecturer on contractual basis. The selection was declared to be held on the basis of marks and weightage obtained by a candidate in his BDS/MDS Examination as well as the work experience, publication of papers on Dentistry and other related matters. The said qualifications (मापदंड) was stated in the advertisement itself. The petitioner, appointed on the discipline of Dental Mechanics as well as Prosthodontist, for appointment to the post of Lecturer. The above-mentioned advertisement



(Annexure-1) was supplemented by the subsequent notifications dated 11th October 2021 and 30th December 2021, requiring the candidates whose names were not appearing in the list to be considered for selection to file objection. The petitioner's name did not appear in the Dental Mechanics discipline, so he filed a representation/objection. Subsequently, his name appeared in both the disciplines. The petitioner has claimed that he is having requisite qualification as well as work experience for which he was entitled to be appointed as Lecturer. But, he was not appointed as Lecturer. The petitioner submitted a detailed representation against the final select list on 21st March 2022, but the said representation was not considered. Hence, the instant writ petition.

2. A counter-affidavit has been filed on behalf of the State respondents. In paragraph No. 8 of the said counter-affidavit, it is clearly stated that the decision for appointment on the post of Lecturer on contractual basis was taken by the Screening cum Selection Committee after due consideration of all objections in its Meeting dated 2nd February 2022, therefore, there is no reason to answer the Decision cum Selection Committee. The final result along with the decision of the Screening cum Selection Committee has not been annexed by



the respondents. In reply, the petitioner has filed a rejoinder reiterating his claim.

3. It appears from the writ petition that the petitioner submitted his representation on 21st March 2022. The result was published by the Screening cum Selection Committee on 02nd February 2022. Therefore, there was no scope for the Screening cum Selection Committee to consider the representation of the petitioner.

4. At this stage, the instant writ petition is disposed of directing the Additional Chief Secretary, Health Department, Government of Bihar, Patna, respondent no. 2 to consider the representation filed by the petitioner through the Screening cum Selection Committee to ascertain as to whether the objection is sustainable under the law (DCI Rules, 2007) or not.

5. On the basis of said report, the respondent no. 2 shall dispose of the representation within 90 days from the date of this order with speaking and reasoned order.

6. With the above direction, the instant writ petition is disposed of.

(Bibek Chaudhuri, J)

Suraj Dubey/-

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