

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.7394 of 2018**

Arvind Kumar, Son of Bijay Chaudhary Resident of Village- Bari Ashikpur,  
P.S. East Colony, Naya Gaon, District-Munger.

... .. Petitioner/s

Versus

1. The State Of Bihar & Ors.
2. The Principal Secretary, Health, Government of Bihar, New Secretariat, Patna.
3. The Director-in-Chief Administration, Health Services, Government of Bihar, New Secretariat, Patna.
4. The Special work Officer, Health Department, Govt. of Bihar, New Secretariat, Patna.
5. The Chairman, Staff Selection Commission, Bihar, Patna.
6. The Secretary, Staff Selection Commission, Bihar, Patna.

... .. Respondent/s

**Appearance :**

|                      |   |                                |
|----------------------|---|--------------------------------|
| For the Petitioner/s | : | Mr. Shashi Bhushan Singh, Adv. |
| For the State        | : | Mr. Sudama Kumar (AC to SC-12) |
| For the BSSC         | : | Mr. Satyabir Bharti, Adv.      |

**CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN**  
**ORAL ORDER**

3      20-03-2024                      Heard learned counsel for the petitioner, learned counsel for the State and learned counsel for the Bihar Staff Selection Commission.

2. Learned counsel for the petitioner submits that in the light of the decision taken in Letters Patent Appeal No.158 of 2020 with Letters Patent Appeal No.1708 of 2019 passed on 10.01.2023, the grievances of the petitioner relating to first relief has already been settled and therefore, he is not interested to press his first relief. Counsel further submits that *vide* letter No.1892(4) dated 20.12.2023, it has been decided at the level of



The Director-in-Chief Administration, Health Services, Government of Bihar, New Secretariat, Patna (respondent no.3) that the rule is under process of amendment and therefore, there may be delay in appointment process. Counsel also submits that this case may be disposed off directing the respondent no.3 that a reasonable time may be fixed in the appointment process, so that the appointment may be made at the earliest.

3. Learned counsel for the Bihar Staff Selection Commission submits that he is the body who has to make selection in accordance with the rule framed by the State.

4. Learned counsel for the State submits that elections have been notified and in fixing a reasonable time, they have no objection, but this time may be fixed only after the end of the elections.

5. In the light of the submissions made by the parties, this Court hereby directs The Principal Secretary, Health, Government of Bihar, New Secretariat, Patna (respondent no.2) and The Director-in-Chief Administration, Health Services, Government of Bihar, New Secretariat, Patna (respondent no.3) that they shall complete the amendment which they have proposed in the light of clause 6 of the letter No. 1892(4) dated 20.12.2023 which is pasted herein below:-



0/c

निदेशालय स्वास्थ्य सेवाएँ,

बिहार पटना।

साकारण आदेश

सं० सं०-4/विधि-08-271/2023

18.02.19) पटना, दिनांक-20.12.2023

सी०डब्ल्यू०जे०सी० संख्या-1942/2018 में माननीय उच्च न्यायालय, पटना द्वारा दिनांक-09.12.2019 पारित न्यायादेश का मुख अंश निम्नरूपेण है :-

" ....The issue pertains to recruitment and appointment of Pharmacist in various establishments within the State of Bihar.

After the matter was heard for some time, learned counsel seeks permission to withdraw the present petition reserving liberty to first approach the respondents by way of a representation, which the petitioner intends to make within within a period of four weeks.

Learned A.G. states that without prejudice to the respective rights and contentions of the parties, such representation, if so made, shall be considered and decided in accordance with law within a period of three months from the date of receipt thereof...."

2. उल्लेख है कि विभागीय पत्रांक-1208(4) दिनांक-21.08.2019 द्वारा फार्मासिस्ट के कुल 966 रिक्त पदों पर नियुक्ति हेतु अध्यायना भेजा गया था। पुनः सामान्य प्रशासन के पत्रांक-1717 दिनांक-17.12.2019 के आलोक में पत्रांक-268 दिनांक-27.02.2020 द्वारा कुल 1152 पदों पर नियुक्ति हेतु संशोधित अध्यायना भेजी गई। सामान्य प्रशासन विभाग के पत्रांक-3927 दिनांक-18.03.2020 द्वारा स्वास्थ्य विभाग के पत्रांक-826(4) दिनांक-21.08.2020 द्वारा फार्मासिस्ट के 1539(एक हजार पैंच सौ उनचास) रिक्त पदों पर नियुक्ति हेतु अध्यायना सामान्य प्रशासन विभाग को चयन प्रक्रिया पूर्ण कराते हुए बिहार तकनीकी सेवा आयोग, पटना को अग्रसारित करने के अनुरोध के साथ भेजा गया था।

3. बिहार तकनीकी सेवा आयोग, पटना द्वारा कतिपय बिन्दुओं पर शिवागीच मागदर्शन/दिशा निदेश प्राप्त कर पुनः पत्रांक-508 दिनांक-23.02.2023 द्वारा विज्ञापन प्रारूप उपलब्ध कराते हुए, इस पर सहमति प्रदान करने का अनुरोध किया। स्वास्थ्य निदेशालय के पत्रांक-384(4) दिनांक-14.03.2023 द्वारा विज्ञापन प्रारूप पर सहमति प्रदान की गई।

4. बिहार तकनीकी सेवा आयोग, पटना द्वारा विज्ञापन संख्या-05/2023 फार्मासिस्ट के पद पर नियमित नियुक्ति का विज्ञापन प्रकाशित किया गया।

5. विज्ञापन प्रकाशित होने के पश्चात् सी०डब्ल्यू०जे०सी० संख्या-7437/2023 संजीव कुमार मिश्रा बनाम बिहार राज्य एवं अन्य नियुक्ति प्रक्रिया में श्री० फार्मा को सम्मिलित करने हेतु दायर किया गया। आयु सीमा के छूट हेतु एवं अन्य रुग्णदेश याचिका सं०-7493/2023 संत कुमार एवं अन्य बनाम बिहार राज्य एवं अन्य दायर किया गया।

6. इस क्रम में सामान्य प्रशासन विभाग, बिहार, पटना के पत्रांक-6471(4) दिनांक-05.04.2023 द्वारा बिहार तकनीकी सेवा आयोग की अनुसूची में शामिल वैसे तकनीकी पद, जिनका चयन का आधार कॉलेज/शिक्षाविद्यालय की अर्हक परीक्षाओं में प्राप्तांक का प्रतिशत है, उन सभी तकनीकी पदों पर चयन आयोग के स्तर पर परीक्षा अथवा परीक्षा सहित साक्षात्कार के द्वारा नियुक्ति करने का नये सिरे से प्रावधान करने का अनुरोध किया गया।



6. In this background, this Court directs both the respondents i.e. respondent no.2 (The Principal Secretary, Health, Government of Bihar, New Secretariat, Patna) and respondent no.3 (The Director-in-Chief Administration, Health Services, Government of Bihar, New Secretariat, Patna) to complete the entire process due to which publication and fresh advertisement shall be made for appointment within three

months from the date of end of the elections.

7. With the aforesaid observations and directions, this writ petition is hereby disposed off.

**(Dr. Anshuman, J.)**

Divyansh/-

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