

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12329 of 2024

Manoj Kumar S/o Sri Manoranjan Paswan, R/o Village- Juniar, P.S.- Hilsa,
District- Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Department of Health, Patna.
2. The Principal Secretary, General Administration Department, Government of Bihar, Vikash Bhawan, Bailey Road, Patna.
3. The Principal Secretary, Department of Health, Government of Bihar, Vikash Bhawan, Bailey Road, Patna.
4. The Special Secretary, Department of Health, Government of Bihar, Vikash Bhawan, Bailey Road, Patna.
5. The Additional Secretary, Department of Health, Government of Bihar, Vikash Bhawan, Bailey Road, Patna.
6. The Bihar Technical Services Commission, 19, Harding Road, Government of Bihar, Patna through its Secretary.
7. The Chairman, the Bihar Technical Services Commission, 19, Harding Road, Patna.
8. The Secretary, the Bihar Technical Services Commission, 19, Harding Road, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Ranjit Kumar Yadav, Adv.
For the State	:	Mr. Bipin Kumar, Adv.
For the BTSC	:	Mr. Nikesh Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 22-08-2024 Heard learned counsel for the petitioner, learned counsel for the State and learned counsel for the Bihar Technical Services Commission.

2. The present writ petition has been filed for directing the respondents to select and appoint the petitioner on the post of Homeopathic Medical Officer pursuant to the Advertisement No.6/2020 and Homeopathic Physician Advertisement No.7/2020 against the vacancy arose in Schedule Caste category in the light of the judgment dated 15.07.2024



passed in Civil Appeal No.18802 of 2017 with SLP (Civil) No. 18294 of 2021 by the Hon'ble Supreme Court of India.

3. Learned counsel for the petitioner submits that in this regard, the petitioner has filed a representation before the Secretary, Bihar Technical Services Commission, Patna (respondent no.8) on 22.07.2024 but, no decision has been taken till date.

4. Learned counsel for the Bihar Technical Services Commission submits that his counter affidavit is in the process of filing, but with a view to reference, he humbly requests this Court to accept the hard copy of the counter affidavit today itself.

5. Request accepted. Learned counsel for the Bihar Technical Services Commission is directed to file the counter affidavit online also.

6. Learned counsel for the Bihar Technical Services Commission further submits that in compliance of the order passed by the Hon'ble Supreme Court of India, Bihar Government has issued a Gazette notification on 12.08.2024 to General Administrative Department and it is not the Secretary, B.T.S.C, who can decide this issue at his level, rather, this issue can be decided only at the level of State and therefore, counsel



submits that the representation filed by the petitioner is basically infructuous and he may be directed to file his representation before the Principal Secretary, General Administration Department, Government of Bihar, Patna (respondent no.2).

7. In this view of the matter, it is hereby directed to the petitioner to file a fresh representation before the Principal Secretary, General Administration Department, Government of Bihar, Patna (respondent no.2) and the Principal Secretary, General Administration Department, Government of Bihar, Patna is hereby directed to decide this matter completely in accordance with law within 90 days from the date of filing petitioner's fresh representation considering both the Gazette notification issued by the Bihar Government as well as the judgment passed by the Hon'ble Supreme Court of India dated 15.07.2024 in Civil Appeal No.18802 of 2017 with SLP (Civil) No. 18294 of 2021.

8. Accordingly, the present writ petition stands disposed off.

(Dr. Anshuman, J)

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