

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13592 of 2024

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Priyanka Shahi W/o Rishikant Singh, Resident of Tara Hospital and MRC Pvt. Ltd., Bank Road, Gandhi Maidan, District-Patna, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Department of Health, Government of Bihar, Patna.
2. The Secretary, Department of Health, Government of Bihar, Patna.
3. Bihar Public Service Commission, 15, Nehru Path, Patna through its Secretary.
4. The Secretary, Bihar Public Service Commission, 15, Nehru Path, Patna.
5. The Additional Secretary cum Examination Controller, Bihar Public Service Commission, 15, Nehru Path, Patna.
6. The National Medical Commission, Satarkta Bhawan, New Delhi through its Secretary.

... .. Respondent/s

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Appearance :

For the Petitioner	:	Mr. Samir Kumar, Advocate
For the State	:	Ms. Anukriti Jaipuriyar, AC to Advocate General
For the B.P.S.C.	:	Mr. Sanjay Pandey, Advocate
		Mr. Nishant Kumar Jha, Advocate
For the NMC	:	Mr. Kumar Priya Ranjan, Sr. S.C.

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 10-09-2024 Heard learned counsel for the parties.

2. The present writ application has been filed for the
following reliefs:

- i. For issuance of a writ of certiorari for quashing clause "2" of Advt. No.- 34/2024 to 56/2024 issued by the Bihar Public Service Commission, Patna for selection of Assistant Professor on 1339 Vacant Posts of 23/ departments (Specialty), wherein one of the criteria has been fixed requiring 3 years' experience as Senior Resident as contained in Annexure-7 (Clause - "2").



ii. For issuance of writ of mandamus or any other appropriate writ/ writs, order/ orders/direction/ directions commanding the concerned respondents to make the changes/modifications in the aforesaid Advertisement No. 34/2024 to 56/2024 (Annexure-7) for experience from three years to one year with regard to appointment on the post of Assistant Professor against the aforesaid Advertisement No. 34/2024 to 56/2024 as in Psychiatric Department in the Bihar State Institute of Medical Health and Allied Sciences, Koelwar, Bhojpur, the experience required as Senior Resident is one year, which is in consonance with the National Medical Commission but for appointment on the same post in another government institution, experience of three years as senior resident is required, which is apparently discriminatory.

iii. For issuance of writ of mandamus or any other appropriate writ/ writs, order/ orders. direction directions commanding the respondents to allow the petitioners to participate in the selection process for appointment as Assistant Professor against the aforesaid Advertisement No. 34/2024 to 56/2024 (Annexure-7), issued by the Bihar Public Service Commission as they suffer ineligibility to participate in the same for the reason of not having 3 years' experience as Senior Resident although they are having experience of more than one year as required according to criteria fixed by the National Medical Commission in Teachers Eligibility Qualifications in Medical Institutions Regulations, 2022 notified in the gazette of India (extra ordinary) on



14.02.2022 (Annexure-3).

iv. For issuance of writ of mandamus or any other appropriate writ/ writs, order/ orders, direction/ directions commanding the respondents to make necessary changes in the aforesaid Advertisement No.-34/2024 to 56/2024 with regard to applications of reservation in the aforesaid selection Process in compliance of recently delivered judgment of this Hon'ble Court on 20.06.2024 in CWJC No. 16760 of 2023 and analogous cases whereby this Hon'ble Court has been pleased to struck down the laws passed by the Bihar Legislative Assembly providing 65% reservation to the domiciles of Bihar belonging to scheduled castes, scheduled tribes and backward classes in matters of public employment and admission in educational institutions.

v. For issuance of writ of mandamus or any other appropriate writ/ writs, order/ orders, direction/ directions commanding the concerned Respondents to give age relaxation to aspirants, who have crossed the maximum age limit (45 years) to participate in the selection process considering that last such advertisement for selection / appointment was issued in the year 2017 by the Bihar Public Service Commission.

vi. For any other relief/ reliefs for which the petitioner is entitled under law.

3. At the very outset, Mr. Sanjay Pandey, learned counsel appearing for the B.P.S.C., very fairly submits that Advertisement No. 34/2024 to 56/2024, which has been challenged in this writ application, is postponed presently and



hence the petitioner has no cause of action.

4. Learned counsel for the petitioner accedes to the aforesaid submission.

5. In such view of the matter, this writ application is disposed with a liberty to the petitioner to again approach before this Court as and when cause of action arises.

(Anjani Kumar Sharan, J)

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