

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.13707 of 2023**

1. Ramesh Prasad Singh Son of Suresh Prasad Singh, Resident of Rauniyachak, P.S.- Bhagwanganj, District- Patna.
2. Sanjay Kumar Son of Late Bhagwat Thakur, Resident of Koyari Tola, P.S.- Hilsa, District- Nalanda.
3. Kumari Pallavi, Daughter of Rajendra Prasad Sinha, Resident of Bele, P.S.- Islampur, District- Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Health and Family Department, Bihar, Patna.
2. The Principal Secretary, General Administration Department, Bihar, Patna.
3. The Secretary, Bihar State Technical Service Commission, 19, Harding Road, Patna.

... .. Respondent/s

**Appearance :**

|                      |   |                                          |
|----------------------|---|------------------------------------------|
| For the Petitioner/s | : | Mr.Prince Kumar Mishra, Advocate         |
| For the Respondent/s | : | Mr.Nagendra Pd. Yadav, SC-23             |
|                      |   | Mrs.Vijaya Laxmi Srivastava, AC to SC-23 |

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH**  
**ORAL ORDER**

4      11-03-2024                      1. The present writ petition has been filed seeking the following relief(s):-

*“1.a) For issuance of writ in the nature of Certiorari, quashing the undated communication uploaded on the Website of Bihar Technical Service Commission, Patna, Annexure-P/7 series (hereinafter referred as “Impuned Order”) whereby and whereunder, petitioners have been declared disqualified for consideration to the post of Ayush Medical Officer as well as Ayush Physician (Ayurvedic) initiated vice Advertisement No.04/2020 to 09/2020 by Bihar Technical Service*



*Commission- for having G.A.M.S., degree instead of B.A.M.S. degree, after having participated in the selection process and successfully completed the counselling.*

*b) For issuance of writ of Mandamus, directing and commanding upon the respondent authorities, to consider the degree of Graduate in Ayurvedic Medicine and Surgery (hereinafter referred as "G.A.M.S.") for the purpose of recruitment to the post of Ayush Medical Officer/ Ayush Physician (Ayurvedic) initiated vide Advertisement No.04/2020 to 09/2020 by Bihar Technical Service Commission instead of Bachelor in Ayurvedic Medicine & Surgery as both are one and same in view of the judgment of the Hon'ble Supreme Court in the case of Bihar State Council of Ayurvedic and Unani Medicine vs. State of Bihar reported in (2007) 12 SCC 728.*

*c) For holding and declaring/reading that in Clause 2(i) of the Advertisement No.04/2020 to 09/2020 issued by Bihar Technical Service Commission, would include qualification of G.A.M.S. along with B.A.M.S. qualification granted by recognized University.*

*d) For holding and declaring that degree in Graduate in Ayurvedic Medicine and Surgery and Bachelor in Ayurvedic Medicine and Surgery – are one and same and therefore degree in Graduate in Ayurvedic Medicine and Surgery of the petitioners is valid for consideration for the post of Ayush*



*Medical Officer/Ayush Physician (Ayurvedic) for Advertisement No.04/2020 to 09/2020 issued by Bihar Technical Service Commission.”*

2. At the outset, the learned counsel for the respondent-State submits that the present case is squarely covered by the law laid down by a co-ordinate Bench of this Court in a judgment dated 04.04.2022, passed in C.W.J.C. No.8825 of 2020 (Dr. Styanarayan Paswan and Ors. vs. The State of Bihar and Ors.), hence the present writ petition be disposed off in similar terms.

3. The learned senior counsel for the petitioners has not disputed the aforesaid contention advanced by the learned counsel for the respondent-State, hence the present writ petition also stands disposed off in light of the aforesaid judgment, passed in the case of Dr. Styanarayan Paswan and Ors. (supra).

**(Mohit Kumar Shah, J)**

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