

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18933 of 2024

Chandini Kumari D/O Prakash Kumar Gupta, W/o Dr. Ashish Kumar, R/o 31,
Mangaldeep Apartment, Patliputra Colony, P.S.- Patliputra, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through Additional Chief Secretary, Health Department, Govt. of Bihar, Patna.
2. The Additional Chief Secretary, Health Department, Govt. of Bihar, Patna.
3. The Secretary, Health Department, Govt. of Bihar, Patna, Bihar.
4. The Joint Secretary, Health Department, Govt. of Bihar, Patna, Bihar.
5. The Chairman, Bihar Combined Entrance Competitive Examination Board, Patna, Bihar.
6. The Special Executive Officer, Health Department, Government of Bihar.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Raj Kumar with Mr. Amit Pandey, Advocates
For the State	:	Mr. Sita Ram Yadav, GP 16 with Mr. Jitendra Kumar, AC to GP 16
For the Res. No. 5	:	Mr. Prasoon Sinha, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 12-12-2024

Heard Mr. Raj Kumar, learned Advocate for the petitioner and Mr. Jitendra Kumar, learned Advocate for the State. Mr. Prasoon Sinha, learned Advocate appears on behalf of the Bihar Combined Entrance Competitive Examination Board (respondent no. 5).

2. The petitioner is aggrieved with the inaction of the respondent authorities in not providing 'No Objection Certificate' in her favour enabling her to participate in the counselling to be held on 10.12.2024 for appointment of Senior



Resident/Tutor in different medical colleges and hospitals of the State. Learned advocate for the petitioner contended that despite repeated request made by her till date 'No Objection Certificate' has not been provided without there being any reason causing serious prejudice to her right and entitlement.

3. Learned Advocate further contended that the petitioner has completed her MBBS course from the Indira Gandhi Institute of Medical Sciences, Patna and she was conferred with the degree of Bachelor of Medicine and Bachelor of Surgery (MBBS) way back in the year 2017. Subsequently, she pursued MS course from Patna Medical College, and successfully completed her course in the year 2022. In terms of the advertisement dated 14.11.2024, the petitioner applied for the post of Senior Resident/Tutor (tenure three years) on 26.11.2024. The advertisement specifically stipulated a condition that those candidates who are covered by bond for rendering three-years service in medical institutions have to bring no objection certificate from the controlling authority/department. Drawing the attention of this Court to Annexure-P-8, learned Advocate for the petitioner submits that the Joint Secretary, Government of Bihar vide his order dated 27.01.2023 contained in Memo No. 17/Misc.-01-114/2014-



91(17) has relaxed the aforementioned condition and further clarified that the said three-years bond period service will be counted in the service period rendered as Senior Resident/Tutor.

4. Despite the aforesaid fact, till date the respondent authorities have failed to provide 'No Objection Certificate' compelling the petitioner to approach before this Court.

5. At this juncture, learned Advocate for the respondent no. 5 has submitted that the entire process of counselling has already been concluded and as such the writ petition has become infructuous.

6. In response thereto, learned Advocate for the petitioner submits that the petitioner has been allowed four days time to bring 'No Objection Certificate' in order to fulfill the condition as prescribed in the advertisement.

7. Be that as it may, considering the submissions advanced on behalf of the learned Advocate for the petitioner and taking note of the letter issued by the Joint Secretary, Government of Bihar dated 27.01.2023, this Court directs the respondent no. 6 to consider the pending application of the petitioner and take appropriate action in the matter of issuance of 'No Objection Certificate', preferably by 14th December, 2024. The petitioner is directed to approach before the



respondent no. 6, along with a copy of this order by tomorrow
i.e. 13.12.2024 to facilitate her grievance.

8. The writ petition stands disposed off.

(Harish Kumar, J)

Anjani/-

AFR/NAFR	
CAV DATE	
Uploading Date	12.12.2024
Transmission Date	

