

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 5464 of 2025

Prabhakar Sinha Son of Bhupendra Narayan Sinha Resident of Mohalla-
Nakki Nagar P.O. and P.S.- Jamalpur, District-Munger.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Health Department, Govt. of Bihar, Patna.
2. The Controller of Examination, State Pharmacy Examination Committee, Bihar, Patna.
3. The Bihar Technical Service Commission, Patna through its Secretary.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr Prashant Sinha, Advocate
For the BTSC	:	Mr Nikesh Kumar, Advocate
For the S t a t e	:	Mr Advocate General

CORAM: HONOURABLE MR JUSTICE ARVIND SINGH CHANDEL

ORAL JUDGMENT

Date : 08-04-2025

This petition has been preferred by the petitioner seeking the following reliefs:

“(i) For necessary direction upon the respondent authorities to allow the petitioner to provisionally apply against the advertisement No 22 of 2025 dated 10.03.2025 published by the Bihar Technical Service Commission for the post of Pharmacist as due to delay in conduct of examination by the examining body, which is also under the Health Department, Government of Bihar, the petitioner who had taken admission in the academic session of 2020-22 in D Pharma course could appear in the 2nd part examination of D Pharma course in November, 2024 and presently he is undergoing practical training, therefore, the petitioner may be allowed to participate in the selection process subject to the result of D Pharma examination



and practical training as well as registration by the Bihar State Pharmacy Council.

(ii) For holding that the petitioner cannot be made to suffer for the lapses on the part of the examination authority, which is none other than a body under the control of the Health Department. Government of Bihar.

(iii) For extending the last date of submission of application form after 08.04.2025 for the petitioner.

(iv) For any other direction which your Lordships may deem fit and proper in the facts and circumstances of the case.”

2 It is submitted by the learned counsel for the petitioner that after a lapse of almost 25 years, the Bihar Technical Service Commission has published Advertisement bearing No 22 of 2025 inviting applications against 2473 vacancies of Pharmacists for which the application to be submitted from 11.03.2025 to 08.04.2025. The requisite qualification for participating in the selection process is Intermediate/10+2 (Science) and pass in all three parts, i e, Parts I, II and III of Diploma in Pharmacy Examination and the certificate to this effect and registration with Bihar State Pharmacy Council. According to the counsel, the petitioner took admission in Diploma in Pharmacy Course in the academic session 2020-22. Due to delay committed by the Examining Authority in conducting the examination, the first part examination, which should have been conducted in the year 2021,



was held with effect from 26.06.2023. The petitioner appeared and passed in the first part of the examination. The second part of the examination was also delayed compelling the petitioner to file a writ petition bearing ***CWJC No 10468 of 2024***. During pendency of the writ petition, the examination programme for second part of the examination was notified and subsequently second part of the examination started with effect from 15.11.2024. The petitioner appeared in the examination and the result is awaited. Meanwhile, Advertisement No 22 of 2025 has been published. According to the counsel, if the first and second parts of the examination were conducted by the Examining Authority in time then the petitioner would obtain the requisite qualification by the end of the year, 2022 and he would have participated in the selection process but on account of delay in conducting the examination by the Examining Body, the petitioner has remained ineligible for want of completion of practical training and grant of certificate for passing the examination of all the three parts of D Pharma Course. Therefore, it is prayed by the learned counsel that the petitioner may be allowed to provisionally apply against the advertisement with the condition that the candidature of the petitioner shall be outcome of the result of the petition.



3 Learned counsel for the State opposes the argument raised by the learned counsel for the petitioner and submits that since he petitioner does not have requisite qualification for participating in the selection process, therefore, he is not entitled to participate in the selection process merely on the ground of delay in conducting the examination of Parts I and II. Therefore, the petition preferred by the petitioner is liable to be dismissed.

4 I have heard learned counsel appearing for the parties, perused the documents annexed with the petition.

5 Undisputedly, the petitioner is not having requisite qualification for selection as he has not passed Parts I and II of the examination and also does not have any certificate to that effect and registration with Bihar State Pharmacy Council. Only on the ground that examination of first and second parts were conducted belatedly, the petitioner cannot be permitted to participate in the selection process.

6 Accordingly, this petition is liable to be and is hereby dismissed at the stage of admission itself, having no merit.

(Arvind Singh Chandel, J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	22.04.2025
Transmission Date	NA

