

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 19580 of 2018

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Saket Kumar Son of Dr. Karyanand Thakur, Resident of Satish Chandra Road,
Ashok Nagar, Pokharia, Begusarai, P.S. Sadar, Town and District Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Health,
Government of Bihar, Patna.
2. State Health Society through its Executive its Executive Director, Pariwar
Kalyan Bhawan, Sheikhpura, Patna.
3. District Magistrate, Cum Chairman, District Health Society, Begusarai
4. Civil Surgeon-Cum-Member Secretary, District Health Society, Begusarai
5. Ratnesh Kumar Mishra Son of Sri Nand Kishore Mishra, Ayush Medical
Officer, Primary Health Centre, Gadhpura, P.S. Gadhpura, District
Begusarai.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Advocate Mr. Shivam, Advocate Mrs. Vaishnavi Singh, Advocate Mr. Shiv Kumar, Advocate
For the State	:	Mr. Rajeshwar Singh, GA-10 Mr. Chandra Shekhar Singh, AC to GA-10
For the State Health Society	:	Mr. K.K. Sinha, Advocate

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL JUDGMENT

Date : 04-12-2025

Heard Mr. Ajay Kumar Thakur, learned counsel for
the petitioner, learned counsel for the State of Bihar and Mr.
K.K. Sinha, learned counsel for the State Health Society.

2. The petitioner has filed the instant application for
directing the respondent authority to accept the joining of the
petitioner in light of his selection pursuant to the
advertisement issued under the signature of the Executive



Director, State Health Society, Bihar, Patna.

3. The case of the petitioner in brief is that the respondents having come out with an advertisement in the year 2013 under the signature of the Executive Director, State Health Society, Bihar, inviting applications for appointment on different posts including that of Ayush Medical Officer on contractual basis, the petitioner being eligible, applied for the post of Ayush Medical Officer. He was selected for appointment in the District of Begusarai.

4. It is submitted by learned counsel appearing for the petitioner that the petitioner gave his joining on 14.5.2015 before the Civil Surgeon cum Medical Secretary, District Health Society, Begusarai, whereafter he was orally directed to appear on 18.5.2015 for posting and training. The petitioner was not posted, instead orally told that he would be informed of the posting after the disposal of the case pending in the Patna High Court wherein stay had been granted. It is stated that even after the disposal of the case, he was not posted anywhere on account of an indefinite strike having taken place followed by imposition of the Model Code of Conduct on account of the upcoming Bihar Legislative Council elections. In spite of all the reasons for the petitioner not being posted



having been exhausted by the respondents still the petitioner was not posted anywhere inspite of his selection. Thus the instant application for a direction to the respondents to accept his joining in light of his selection as an Ayush Medical Officer.

5. It is further submitted by learned counsel appearing for the petitioner that as would be evident from Annexure-3 to the writ application, the petitioner gave his joining before the Civil Surgeon on 14.5.2015 stating therein his choice of postings being either Barauni, Cheria Bariyarpur, Manihari, Baliya or Begusarai Sadar. Not having been posted anywhere, the petitioner filed a representation before the Executive Director. It further transpires from the counter affidavit that a person junior to him has subsequently been posted. As such, it is prayed that the respondents be directed to post the petitioner pursuant to his selection as Ayush Medical Officer.

6. In response, it is submitted by learned counsel appearing for the respondents that though it is correct that the petitioner was selected in the provisional list on the post of Ayush Medical Officer, however inspite of the said selection, the petitioner not having joined, the respondents proceeded to



appoint the next person in the merit list. It is the petitioner who is responsible for not having given his joining and as a result he could not have been posted. Learned counsel further submits that against the selection in the year 2015, there is an inordinate delay of three years in preferring the instant writ application. As such it is prayed that there is no merit in the instant application and the same be dismissed.

7. Heard learned counsel for the parties and perused the material on record.

8. The relevant facts in brief are that the respondents came out with an Advertisement in the year 2013 under the signature of the Executive Director, State Health Society for appointment on different posts including Ayush Medical Officers on contractual basis.

9. The petitioner along with others filed their applications and the petitioner figured among the 25 Ayush Medical Officers selected for appointment. It transpires that 24 out of the 25 candidates selected gave their joining in the District Health Society, Begusarai, however the petitioner did not join.

10. It further transpires that intimation was given to the petitioner on telephone, however not having joined, the



respondent no.5 whose name figured in the waiting list was made to join in terms of the guidelines of the State Health Society contained in memo no.5795 dated 5.9.2015.

11. It is after a month of the publication of the second list and joining of the respondent no.5 that the petitioner filed an application before the District Programme Officer, District Health Society, Begusarai on 6.10.2015 requesting that his joining be accepted. A perusal of the said letter would show that the only reason given therein for not having joined inspite of the petitioner's selection was that the petitioner was ill, suffering from Jaundice. Neither the petitioner has given the period when he was suffering from illness nor has he brought on record any document in support of the said statement made in his application.

12. It further transpires that even on his application being submitted on 6.10.2015 (Annexure-C to the counter affidavit), when as per the petitioner's case, he was not made to join, the petitioner sat over the matter and moved this Court by way of the present case only in September, 2018 with no explanation whatsoever for the delay.

13. On perusal of the material on record as also the contents of the petition and counter affidavits, the Court is of



the opinion that it is the petitioner alone who is responsible for not joining inspite of his selection as Ayush Medical Officer, when 24 out of the 25 persons selected along with the petitioner had no difficulty and joined the service.

14. In view of the facts and circumstances of the case, the Court finds no merit in the instant application and the same is dismissed.

(Partha Sarthy, J)

Shiv/-

AFR/NAFR	NAFR
CAV DATE	N/A
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Transmission Date	

