

ITEM NO.45

COURT NO.6

SECTION XVI

S U P R E M E                      C O U R T   O F   I N D I A  
R E C O R D   O F   P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Civil) No(s).2435/2010

(From the judgement and order                      dated                      11/05/2009                      in                      CWJC  
No.12674/1999 of The HIGH COURT OF PATNA)

RAJESH KUMAR TRIPATHI & ORS.	Petitioner(s)
VERSUS	
STATE OF BIHAR & ORS.	Respondent(s)

(With appln(s) for c/delay in filing SLP and c/delay in refiling  
SLP and with prayer for interim relief and office report)

With

I.A.No.3 (Appln. for exemption from filing O.T.)

Date: 02/01/2012                      This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI  
HON'BLE MR. JUSTICE SUDHANSU JYOTI MUKHOPADHAYA

For Petitioner(s)	Mr.Nagendra Rai, Sr.Adv. Mr. T. Mahipal,Adv.
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For Respondent(s)	Mr.Yunus Malik, Adv. Mr.Ravi Kishore, Adv. Mr.Samir Malik, Adv. Mr. Prashant Chaudhary,Adv.
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Mr.Manish Kumar, Adv.  
Mr. Gopal Singh,A.O.R.(Not Present)

Mr. Akhilesh Kumar Pandey,Adv.

Mr.Navin Prakash, Adv.

UPON hearing counsel the Court made the following  
O R D E R

Delay condoned.

This petition is directed against order dated 11.05.2009

of the Division Bench of the Patna High Court whereby the  
petitioners' challenge to the selection appointment made by the

Bihar Public Service Commission (for short, 'the Commission') for

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appointment on the post of Ayurvedic Medical Officer was negatived.

The arguments in this case were heard on 08.11.2011 and

the case was adjourned to enable the counsel appearing for the

Commission	to	file	additional	documents	and	also	produce	t
he								

original record of selection. Thereafter, Shri Sarad Chandra Jha,

Secretary of the Commission filed affidavit dated 2.12.2011 along

with some documents.

At the commencement of further arguments, learned counsel for the Commission produced the original record of selection.

We have perused the select list prepared by the Commission and find that the petitioners S/Shri Manoj Kumar Rai, Sunil Mishra, Rajesh Kumar Tripathi, Ramesh Singh and Arun Tiwari were placed at Merit Serial Nos.28, 30, 31, 52 and 63 in the select list prepared by the Commission. Learned counsel for the parties agree that on the basis of selection made by the Commission, 25 candidates were appointed from the general category.

Since none of the petitioners was selected by the Commission, we do not consider it necessary to decide the question relating to power of the Commission to amend the eligibility conditions prescribed by the State Government.

The special leave petition is accordingly dismissed leaving the question of law open to be decided in an appropriate case.

(Satish K.Yadav)  
Court Master

(Phoolan Wati Arora)  
Court Master