

(1989) 03 SC CK 0006

In the Supreme Court Of India

Case No : C.M.P. No. 33779 of 1988 in Writ Petition No. 422 of 1986

Shashi Kant Mishra and Others

APPELLANT

Vs

The State of Bihar and Others

RESPONDENT

Date of Decision : 14-03-1989

Acts Referred:

Citation : (1989) PLJR 71

Hon'ble Judges : Ranganath Mishra, J; M.N. Venkatachaliah, J

Bench : Division Bench

Final Decision : Disposed Of

Judgement

1. This Misc. Petition arises out of Writ Petition No. 422/86 which has been disposed of. In between the disposal of the writ petition and filing this petition there have been several developments which perhaps would not be necessary to be recounted at this stage for disposal of this petition except what is stated hereunder. In reply to the letter of the State Govt. dated 8-1-1988 the State Public Service Commission wrote back that if requisition was sent many additional successful candidates could be recommended. But later it was realised that the remaining candidates who had taken the earlier examination were not suitable for recruitment. We have been now told that there is no existing vacancy in the general quota.

2. Learned counsel for the Public Service Commission has stated to us that a fresh recruitment examination is now under process and applications have been invited for vacancies including 461 posts in the general category to which the Petitioners are eligible to be recruited. 7th April, 1989 is the last date for making applications. Since there is enough time still for the Petitioners to apply in response to the said modification, Petitioners would be free to make such applications. The State of Bihar represented by Mr. Goburdhan has assured us and Mr. Raju Ramachandran for the Public Service Commission accepts, the age bar would be relaxed in regard to these Petitioners in the facts and circumstances of the case.

3. Since it is conceded that there are several vacancies yet to be filled up, we are of the view that if the Petitioners are appointed on ad-hoc basis, availability of medical facilities would improve to some extent, however, meagre it may be. At the same time, it would provide occupation to the unemployed Petitioners. Under these circumstances, we direct the State of Bihar to appoint the nine Petitioners, namely Dr. Shashi Kant Mishra, Dr. Syed Nisar Ahmad, Dr. Rajesh Chandra Verma, Dr. Shambhu Pd. Shalima, Dr. Sunil Kumar, Dr. Mrs Parmila Das, Dr. Shailendra Kumar, Dr. Basudeo Prasad & Dr. Uma Shanker Ojha on ad-hoc basis with effect from 1st April, 1989. Their appointment is on condition that they shall take the recruitment examination which is going to be held and if any of them does not sit for the examination he will cease to be in employment, in case they take the examination and qualify they shall be absorbed on regular basis. In case they are found not qualified, by operation of our order of today they shall cease to be under employment immediately at the end of the month during which the results are published.

4. Mr. Ramachandran has assured us that the examination shall take place as early as possible but not later than 1st August, 1989. The Civil Misc. Petition is disposed of with the above directions.