

**IN THE HIGH COURT OF JHARKHAND AT RANCHI****W.P.(S) No. 7021 of 2019**

Rajendra Prasad Sahu, son of Bhukan Sahu, resident of Opposite Tower Ghar,  
Sumitra Palace, Ratu Road, Ranchi ... Petitioner

**Versus**

1. The State of Jharkhand
2. The Secretary, Department of Health, Medical Education and Family Welfare, Govt. of Jharkhand, Ranchi
3. Rajendra Institute of Medical Sciences, (RIMS) Ranchi
4. The Registrar, Rajendra Institute of Medical Sciences, Ranchi

..... Respondents

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**CORAM: HON'BLE MR. JUSTICE SANJAY KUMAR DWIVEDI**  
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For the Petitioner : Mr. Rishi Pallava, Advocate  
For the Respondent-State : Mr. Shreya Mishra, A.C. to G.A.-III  
For the Respondent Nos.3& 4 : Dr. Ashok Kumar Singh, Advocate

**05/Dated: 07/07/2020**

1. Heard, Mr. Rishi Pallava, learned counsel for the petitioner, Mr. Shreya Mishra, learned counsel for the respondent-State and Dr. Ashok Kumar Singh, learned counsel for the respondent nos. 3 & 4.

2. This writ petition has been heard through Video Conferencing in view of the guidelines of the High Court taking into account the situation arising due to COVID-19 pandemic. None of the parties have complained about any technical snag of audio-video and with their consent this matter has been heard.

3. Petitioner has preferred this writ petition for direction upon the respondents to consider the case of the petitioner for the post of Senior resident in Skin & VD department of Rajendra Institute of Medical Sciences.

4. Mr. Rishi Pallava, learned counsel for the petitioner submits that an advertisement was advertised for the post of Senior resident in different Department in Rajendra Institute of Medical Sciences (RIMS) for the district of Ranchi pursuant to Advertisement No. 4906 dated 21.09.2019. He further submits that in the advertisement dated 21.09.2019 in Clause No. 3 vacancies in different departments are mentioned in which vacancy for Skin & VD department was 4 posts out of which 2

was for regular post and 2 for backlog. He further submits that the petitioner is Medical Officer under respondent no. 2 and is posted at Sadar Hospital, Lohardaga. During his service, the petitioner did his two years Diploma course in Skin & VD Department in the year, 2017-2019 from the Rajendra Institute of Medical Sciences, Ranchi. He further submits that the advertisement made for such appointment was not taken care of by the guidelines of the Medical Council of India. He further submits that Medical Institution (Amendment) Regulations, 2019 is in force whereas the Senior resident has been defined as "Senior Resident is one who is doing his/her residency in the concerned post graduate subject after obtaining PG degree/diploma (MD/MS/DNB/Dip.) and is below 45 years of age." The Gazette Notification dated 16.08.2019 has been brought on record vide Annexure-3 to the writ petition.

5. Mr. Rishi Pallava, learned counsel for the petitioner submits pursuant to advertisement, the petitioner has applied and the State Government has given consent by way of Annexure-4 to the writ petition. The petitioner was having the qualification of appointment of said post but nobody has been appointed on the said post and this fact has been confirmed by application sought through Right to Information Act. He further submits that the petitioner filed representation for consideration of his case as the petitioner fulfils all the criteria of Regulation, 2019 but nobody has been appointed on the said post and no decision has been taken.

6. Dr. Ashok Kumar Singh, learned counsel for the respondent nos. 3 & 4 fairly submits that the petitioner may be directed to approach the Governing Body of the Rajendra Institute of Medical Sciences (RIMS) by filing fresh representation along with all credentials, and the Governing Body shall take decision under the rules, regulations and guidelines.

7. In this regard, learned counsel for the respondent-State also submits so.

8. In view of above facts and considering the submission of the learned counsel for the parties, the petitioner is directed to approach the Governing Body of the Rajendra Institute of Medical Sciences (RIMS) and file fresh representation along with all the credentials on which he is relying within a period of three weeks from

today. If such representation is filed within the aforesaid period, Governing Body of the Rajendra Institute of Medical Sciences (RIMS) shall take decision and pass appropriate order in view of the rules, regulations, guidelines and Regulation, 2019 which is in force within a period of eight weeks thereafter.

9. With the aforesaid observation and direction, the writ petition is disposed of.

**(Sanjay Kumar Dwivedi, J.)**

Satyarthi/