

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6118 of 2015

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1. Vikash Kumar, son of Birendra Prasad, aged about 30 years, resident of Dutta Villa Road, New Area, Mohabadi, P.S.- Bariyatu, District - Ranchi, Jharkhand.
 2. Dilip Kumar, son of Late Nityanand Das, aged about 38 years, resident of village + P.O.- Bahadurpur, P.S.- Bahadurpur, District - Darbhanga, Bihar.
 3. Pallav Kumar, son of Late Labhar Bhagat, aged about 31 years, resident of village - Nagdah, P.S.- Muffasil, District - Begusarai, Bihar.

.... Petitioner/s

Versus

1. The State of Bihar, through Secretary, Ministry of Health, Government of Bihar.
2. The Additional Executive Director, State Health Society, Bihar at Patna.
3. The State Health Society, through its Secretary, Bihar at Patna.
4. The State Health Society Recruitment Cell, State Health Society, Bihar at Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sumeet Kumar Singh
Mr. Satyendra Prasad Singh
For the Respondent State : Mr. Kundan Kumar, AC to SC32
For Bihar Health Society : Mr. Kishore Kumar Sinha

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
ORAL JUDGMENT

Date: 06-07-2015

All the three petitioners have failed to make it to the select list for being appointed against the vacancies advertised by the State Health Society in terms of Annexure-1.

2. They want quashing of the selection, if not advertisement itself, on a frontal attack being made that the advertisement is not in consonance with the National Mental Health Programme.

3. The other contention is that the advertisement did not lay down the details of the process which will be followed in such selection and, therefore, contrary to what has been stated in the advertisement; process for selection has to go.

4. The submission of counsel sounds attractive and is pegged very high but when it comes down to actual application on facts and examination on the ground, the two submissions do not find legs to stand.

5. The advertisement has been made by the State Health Society. The National Mental Health Programme's guidelines are only broad guidelines and not mandatory. There could be minor deviation here and there with regard to the basic of eligibility depending upon the conditions prevailing regionally where selections have to be made, on various posts indicated in the advertisement.

6. Respondent Bihar State Health Society has filed a counter affidavit. They have indicated the different reasons why the three petitioners could not be selected.

7. So far as petitioner No.1 is concerned, it is their stand in para 10 that he was considered and short-listed for selection under the backward category candidates but since his total weightage of marks was 56.69 whereas the last man called for interview had 58.05 under his category, the reason for not calling for interview is obvious.

8. So far as petitioner No.2 is concerned, with regard to him it is said that he did not have the essential qualification in terms of the advertisement. He admittedly is a graduate in Sociology whereas the graduation degree in Social Work was required. Sociology and Social Work are miles apart and have no co-relation whatsoever. The reason, therefore, is also cogent and valid reason.

9. Petitioner No.3 has not qualified or not called for interview is

because he lacks total essential experience. The kind of experience which is required for such candidate has also been indicated in the advertisement itself. From a reading of the declaration it is obvious that this petitioner has wishy-washy kind of experience certificate and he is looking for an opening or consideration with that kind of experience.

10. The Court is not here to dilute the requirements of the advertisement in favour of such candidates who did not reach the minimum standard with the object of providing employment. They have to compete with rest in relation to such class of people who fulfill all the requirements.

11. The hype generated in the writ application against the selection and the act of the respondent Bihar State Health Society is more made than made out.

12. Writ application is dismissed as there is no illegality in the selection so made.

(Ajay Kumar Tripathi, J)

R.K.Pathak/-

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