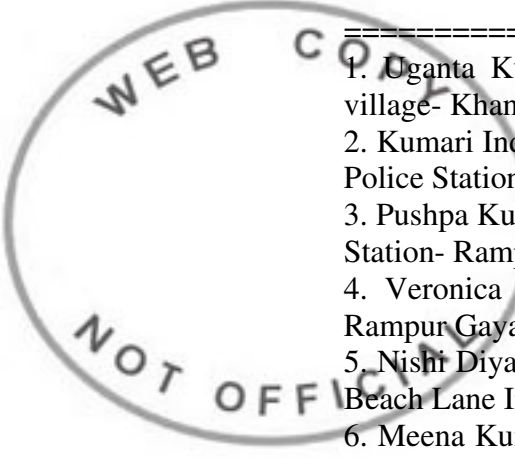


IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.20709 of 2014

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1. Uganta Kumari aged about 44years d/o Late Shivdani Singh, resident of village- Khanwan, Police Station Narhat, District- Nawada.
 2. Kumari Indu Sinha d/o Late Chandra Bhushan Prasad resident of village Saurey, Police Station Ben, District- Nalanda
 3. Pushpa Kumari, d/o Upendra Sharma, Resident of A.P.Colony, Flat no.25, Police Station- Rampur, District- Gaya.
 4. Veronica Benjamain, W/o Rohit Josheph, Resident of Christian Colony Rampur Gaya, Police Station- Rampur, District- Gaya.
 5. Nishi Diyani Hans , d/o Michael Hansh Resident of Railway Quarter No. 659/B, Beach Lane Inspector Colony , Police Station- Civil Line, District - Gaya.
 6. Meena Kumari W/o Anirudh Prasad singh, Resident of Village- Berauti, Police Station- Deep Nagar, District- Nalanda.
 7. Tijo Verghese son of Late P.M. Vergine, Resident of Staff Quarter No.33 A.N.M.M.C.H., Gaya, Police Station- Magadh Medical , District - Gaya.
 8. Lata Toppno W/o Poluse Toppno, Resident of Christian Colony , Police Station- Rampur, District - Gaya.
 9. Seema Paul d/o Villiam Paul, resident of Jail Press Shastri Nagar Road No.2, Gaya, Police Station - Ramlpur, Distrscit - Gaya.
 10. Nilu Robbin , W/o Sanjay Andru, Resident of Staff Nurse Quarter A.N.M.M.C.H., Gaya, Police Station- Magadh Medical , District - Gaya.
 11. Ranjana Kumari d/o Sharwan Kumar , Resident of c/o Ramprit Sharma, Ander Bairagi , Police Station- Delha, District- Gaya.
 12. Sarita Kumri Prasad d/o Kailash Prasad, resident of c/o Jaimangal Prasad , Awasthi Ghat Danapur, Police Station- Danapur, District - Patna.,

.... Petitioner/s

Versus

1. The State through the Chief Secretary, Govt. of Bihar, Patna.
2. The Secretary, Health Department, Govt. of Bihar, Patna.
3. The Secretary, Department of Personnel and Administrative Reforms, Govt. of Bihar, Patna.
4. The Secretary, Department of Finance, Govt. of Bihar, Patna.
5. The Special Secretary, Department of Health Govt. of Bihar, Patna.
6. The Special Director, Department of health, Govt. of Bihar, Patna.
7. The Director - in- Chief, Directorate Health Services, Govt. of Bihar. Patna.
8. The Superintendent, Anugrah Narayan Magadh Medical College and Hospital (A.N.M.M.C.H.), Gaya.
9. The Bihar Staff Selection committee through its Secretary.
10. The Secretary, Bihar Staff Selection committee, Bihar, Patna.

.... Respondent/s

with

Civil Writ Jurisdiction Case No. 21583 of 2014

1. Pushapa Kumari D/o Ram Deo Singh Resident of Village + P.O. Matihani, P.S. Matihani, District - Begusarai

2. Bibha Kumari W/o Subodh Kumar Singh at Lohiyanagar, P.O. Suhirdnagar, Ward No. 28, District - Begusarai
3. Anay Kumar S/o Late Ram Bahadur Rai Resident of Village + P.O. Matihani, P.S. Matihani, District - Begusarai

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Health Department, Government of Bihar, Patna
2. The Director - in - Chief, Health Department, Govt. of Bihar, Patna
3. Bihar Staff Selection Commission through its Secretary, Veterinary College, Patna
4. The Joint Secretary, Bihar Staff Selection Commission, Veterinary College, Patna
5. The Vigilance Commissioner, Bihar, Patna

.... Respondent/s

with

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Civil Writ Jurisdiction Case No. 5115 of 2015

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1. Neelam Kumari D/O Sri Raghbendra Narain Singh, W/o Binay Kumar, resident of village- Arigpur, P.O.- Sirsia Bujurg, P.s.- Kanti, District- Muzaffarpur.
2. Kiran Kumari D/O Sri Laljee Singh, W/O Dinesh Chaudhary, resident of village- Bahadur Nagar (Kachahari Tola), P.O.- Kutlupur, P.S.- Muffasil, District- Munger.
3. Renu Kumari W/O Mahesh Kumar Sngh, resident of village & P.O.- Mukhtiarpur, P.S.- Bhagwanpur, District- Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Principal Secretary, Department of Health, Government of Bihar, Patna.
3. The Director in-Chief, Health Services, Government of Bihar, Patna.
4. The Secretary, Bihar Staff Selection Commission, Veterinary Colege, Patna-4.

.... Respondent/s

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Appearance :

(In CWJC No. 20709 of 2014)

For the Petitioner/s : Mr. Binod Kumar
For the State : Mr. SC2- Nawal Kishore Singh
For the Commission: Mr S.S.Sundaram

(In CWJC No. 21583 of 2014)

For the Petitioner/s : Mr Rajendra Prasad Singh, Sr. Advocate
Mr. Rajeev Kumar Singh
For the State : Mr. SC18- N.Hoda Khan
For the Commission : Mr Kamla Kant Upadhyay

(In CWJC No. 5115 of 2015)

For the Petitioner/s : Mr. Dharendra Kumar Jha

For the State : Mr. Anil Kumar, GP 23
For the Commission : Mr Kamla Kant Upadhyay

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
ORAL JUDGMENT
Date: 15-04-2015

All these writ applications have been filed by various disgruntled candidates, who did not make to the selection list of GNM (Nurse Grade 'A'). They want quashing of the merit list and the result dated 17.11.2014, contained in Annexure- 10 as well as a direction to publish a fresh merit list including the name of these petitioners.

In addition to that, it is also their prayer that many a vacant posts are still available and at least, according to the petitioners, it runs upto 2941. Appointment ought to be made across the board of all such candidates, who had appeared or participated in the process.

Besides the above prayer, petitioners want quashing of the entire result because many a mistakes or omissions have crept into the process of selection which includes arbitrary award of marks, award of more marks to some candidates than what they deserve as well as fixing a minimum cut off marks for interview contrary to advertisement.

Going by the submissions made at the bar as well as the decibel level raised during the course of argument with regard to so-



called illegality committed by the Staff Selection Commission, the Court decided to take a deeper look into the matter and ordered the presence of the Chairman as well as the Secretary of the Commission. The Court directed the said respondents to ensure that the entire details of candidates and the results would be available on the website of the Commission for verification of award of marks, both in the academics as well as interview. Earlier a restrictive kind of access was allowed by the Commission based on date of birth of individual candidates. The objection was raised by the counsel for the petitioners that it was near impossibility to verify the details of selected candidates. Thereafter, changes were brought about to the website.

In addition to that, the Court also directed production of the complete list of candidates, who were called for the selection process including the list of candidates so recommended. Counsel for the Staff Selection Commission tendered it to the Court. The Court at random went through the same at length to verify the allegations made at the bar in relation to the so-called arbitrariness in award of marks on the academic achievements as well as interview.

The random check does not disclose any kind of irregularity, which has been pleaded or urged in the writ petitions. These are more based on rumours going round rather than the actual

state of affairs. The complete list of candidates who have qualified, and those, who are disqualified, is available as well as the list of candidates recommended as per merit is also available. No discrepancy can be seen by this Court with regard to overall cut off marks or recommended marks for various categories. The cut off marks indicated is General- 50.38, Disabled General- 43.54, BC- 35.75, MBC- 35.30, SC 32.6 and ST 38.33.

The chart does not indicate that any candidate having lesser marks than the above cut off have been recommended for such appointments.

In addition to that, in terms of the advertisement minimum cut off marks even for interview was fixed i.e. General- 6, BC- 5.48, MBC- 5.10, ST, SC and Female candidates- 4.8.

One of the arguments made on behalf of some of the petitioners is that the advertisement did not indicate that there will be minimum qualifying marks for interview. This stand has been controverted by the counsel for the Staff Selection Commission.

Keeping cut off marks for interview cannot be said to be alien to concept of recruitment and selection. Looking at the above marks, which was assigned for interview as well as the percentage indicated above, it is further held by this Court that the same cannot be said to be arbitrary or discriminatory. After all, the post of GNM

is an important post, especially of Grade 'A' Nurse. There is an onerous duty to not only take care of patients but even administer medication correctly in terms of the direction of the treating doctors. These days they even have to handle many sophisticated medical equipments as well.

Many a times, candidates obtain degrees across the board from various institutions but that by itself cannot be treated to be the basis for judging somebody's capability and competence. In fact, conduct of interview has importance. Since the percentage of cut off for such interview is minimal, therefore, all those, who did not qualify in interview, are not required to be selected. In totality, this was a case where more heat was generated on wild allegations about selection process, which had been conducted by the Bihar Staff Selection Commission, rather than actual state of affairs, on verification.

Looking at the large volume of candidates, who participated and went through the process of selection, a few clerical mistakes and omissions could be there and it cannot be ruled out but that by itself cannot be the basis for striking down the entire selection process.

The Court grants liberty to such candidates to approach the Secretary of the Commission with their individual grievance and

the Secretary of the Commission has a duty cast upon him by this Court to verify those allegations from record and tell the petitioners where they stand or with regard to the candidates so recommended.

To sum up, therefore, the entire results so declared is not required to be interfered with. The writ applications are dismissed with limited indulgence to the petitioners only for their satisfaction with regard to any omission or aberration which they allege even now in individual cases.

(Ajay Kumar Tripathi, J)

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