

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2457 of 2015

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1. Pushplata Sinha D/o Krishna Deo Prasad, W/o Ravi Resident of House No. NY/118-A, New Yarpur, Janta Road, P.S. - Gardanibagh, District - Patna

.... Petitioner/s

Versus

1. The Bihar Staff Selection Commission through its Chairman, Bihar Staff Selection Commission, P.O. - Veterinary College, Patna
2. The Secretary, Bihar Staff Selection Commission, P.O. - Veterinary College, Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shashi Bhushan Singh

For the Respondent/s : Mr. Satyam Shivam Sundaram

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 26-02-2015

26.02.2015

Heard learned counsel for the parties.

Writ application has been filed by the petitioner for quashing a part of the Memo No. 4445, dated 20th of December, 2014, by virtue of which the respondent-Staff Selection Commission preponed the date of interview, which had the effect of depriving the petitioner from participation and, therefore, non-selection as well as chance of appointment on the post of Auxiliary Nurse Midwife (ANM). Many a things have been alleged in the writ application as to how her right has been taken away by an arbitrary decision of the respondents.

The stand of the respondents in the counter affidavit is that looking at the large number of



candidates, initially no doubt a schedule was announced, but since it was found to be too long, a decision was taken to expedite and shorten the period during which interview was to be conducted. This decision of the Staff Selection Commission was widely notified through newspapers. Not only the dates and schedules were made known to the public at large but yet another date for left over candidates was also announced. When the petitioner failed to turn up, she filed the writ application, challenging the wisdom of the respondents to prepone the interview.

The rational for taking such decision and wide publicity given thereto surely takes away the elements of arbitrariness, which has been urged on behalf of the petitioner. The explanation offered by the petitioner is that during the period in question she was on pilgrimage. Since a person cannot earn divine blessings as well as employment at the same time-frame, obviously the petitioner has to suffer for her decision to go missing from the State at a crucial juncture.

This Court, therefore, cannot permit such a candidate to be interviewed and appointed after the exercise has been completed and opportunity had been given more than once for such candidates. She has

missed the bus. But she can await another round of exercise, because this Court is aware that there are a large number of vacancies of ANMs and the State is likely to take further steps for filling up the posts.

Writ application, otherwise, is dismissed being devoid of merit.

(Ajay Kumar Tripathi, J.)

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