

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6151 of 2016

Dr. Birendra Durbey, Son of Ramdeo Durbey, Resident of Village- Bihariganj,
P.S.- Bihariganj, District- Madhepura.

.... Petitioner

Versus

1. The State of Bihar through Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Health Department, Bihar, Patna.
3. The Secretary, Bihar Public Service Commission, 15, Jawahar Lal Nehru Marg, Bailey Road, Patna.
4. The Joint Secretary-cum-Examination Controller, Bihar Public Service Commission, 15, Jawahar Lal Nehru Marg, Bailey Raod, Patna.
5. The District Magistrate, Patna.

.... Respondents

Appearance :

For the Petitioner : Mr. Ramakant Sharma, Senior Advocate
Mr. Rajesh Kumar, Advocate
For the Respondent State : Mr. Deo Kumar Pandey, AC to GP-2
For the Respondent BPSC : Mr. Sanjay Pandey, Advocate

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
ORAL JUDGMENT

Date: 17-11-2016

Similar issues were agitated before this Court before a learned single Judge and thereafter before a Division Bench. The Division Bench decided the issue on 04.10.2016 in a batch of appeals, the leading case being the case of Arun Kumar Ajay vs. The State of Bihar & Ors., namely L.P.A. No. 651 of 2016 and other analogous cases.

The Division Bench was of the opinion that the reasons for cancellation of the candidature of the candidates for non furnishing of original certificates within time was unreasonable,

directions was issued upon the commission, which is culled out from paragraph 42 and 43 and stands reproduced hereinbelow :

"42. In the facts and circumstances of the case, we direct the Secretary of the Commission to recommend the names of the appellants, whose score is above the cut-off marks of their respective category, on the basis of which recommendation has been made to the State for appointment as General Medical Officers in the light of the advertisement, in question, after verifying the respective documents, in original, of these appellants.

43. So that no further confusion crops up, it is also directed that the certificates, in original, of the appellants as mentioned in paragraph 5 of the interview letter shall be required to be verified by the Commission or any Committee constituted for that purpose, if the appellants furnish their respective certificates, in original, personally to the Secretary of the Commission at any time between 10.30 A.M and 4.30 P.M. within a fortnight from today along with a copy of the present order. The Commission shall make recommendation to the State Government within a fortnight thereafter."

The case of the petitioner will be considered and decided in terms of the above directions within a period of four weeks.

Writ is allowed with the above direction.

(Ajay Kumar Tripathi, J)

Pawan/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	18.11.2016
Transmission Date	N/A