

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9766 of 2016

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Renu Devi Wife of Birendraj Prasad Singh, Resident of Mohalla-C/ Alok Printing Press, Kajipur, P.S.- Kadamkuan Patna, District- Patna. Presently posted on the post of ANM at Primary Health Centre (P.H.C.) Akma, Block Akma, District- Saran (Chapra).

.... Petitioner/s

Versus

1. The State of Bihar, through its Principal Secretary, Health Services Government of Bihar, Patna.
2. The Director in Chief, Health Services, Bihar, Patna.
3. The Executive Director, Rajaya Swasth Samiti Government of Bihar, Patna.
4. The Civil Surgeon Cum Chief Medical Officer, Saran (Chhapra).
5. The In-Charge Medical Officer, PHC Akma, District- Saran (Chhapra).
6. The Secretary, Bihar Staff Selection Commission, Veterinary College, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Arun Kumar No. 1, Advocate
For the Respondent/s	:	Mr. Anil Kumar, GP23
		Mr. Sanjay Kumar, AC to GP23
For BSSC	:	Mr. S. S. Sundaram, Advocate

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 25-09-2018

Heard the parties.

In the present writ petition, the petitioner is challenging Advertisement No. 428/AA dated 17.02.2016 published in Hindustan Daily News Paper dated 18.02.2016, wherein all together 3930 posts were advertised, the petitioner has applied as BC category candidate and 357 posts has been earmarked for that category.

The petitioner was declared successful in the written examination and also participated in the counseling, but finally she could not be appointed as ANM.



Learned counsel for the petitioner submits that numbers of more posts are available apart from the posts mentioned in the earlier advertisement against which the petitioner can be accommodated on those posts.

This plea is not acceptable to this Court on the ground that selection can only be made to those posts which were specifically mentioned in the advertisement and the rest post, if any, exists are meant for the next advertisement. She cannot be accommodated to the post which is not a part of the advertisement.

This Court vide order dated 27.08.2018 directed to Staff Selection Commission to mention about the score card of the last candidate appointed in BC Category. The Staff Selection Commission has filed an affidavit, having stated that last person under BC category has secured 69 percent marks whereas the present petitioner has secured 64 percent.

In such view of the matter, the petitioner, in any view of the matter, cannot be appointed to the post of ANM, as she is much below to the last candidate who has been appointed as ANM,

This Court does not find any merit in the present writ petition.

Accordingly, this writ petition is dismissed.

Learned counsel for the petitioner submits that the State has come out with a fresh advertisement and makes a prayer for age



relaxation as she has been working on contract basis.

If such relaxation is permissible as per their Rules and Regulations, the same must be extended to the present petitioner.

(Shivaji Pandey, J)

Vinay/Sunny

AFR/NAFR	NAFR
CAV DATE	NA
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