

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1982 of 2019

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Bishekha Kumari Jaiswal, aged about 49 years, Female, Daughter of late Mohan Prasad Jaiswal, Resident of Village and Post-Ajhokopa, Tirasi Tola, P.S.-Rupauli, District-Purnea.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Health, Government of Bihar, Patna.
2. The Director in Chief, Health Services, Government of Bihar, Patna.
3. The Chairman, Bihar Staff Selection Commission Patna.
4. The Secretary, Bihar Staff Selection Commission, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Satish Chandra Jha, Adv.
For the State : Mr. Binod Kumar Yadav (SC18)
For the B.S.S.C. : Mr. Lalit Narayan Jha, Adv.

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL JUDGMENT

Date : 07-02-2019

The petitioner seeks a direction to the respondent authorities to consider the case of the petitioner for appointment as she falls in the category of reserved candidates.

2. It has been submitted on behalf of the



petitioner that she had been working on contractual basis as Auxiliary Nurse Midwifery (*in short the A.N.M.*) since 2007. In the year 2016, with vacancy arising in the posts of A.N.Ms. in the entire State of Bihar, an advertisement was issued, inviting applications for regular appointment on such posts. The petitioner, pursuant to aforesaid advertisement, applied for being considered for appointment on regular basis in the category of Backward Caste candidate. She hails from *Kalwar* caste, but because of inadvertence, in the form which was filled-up by her, she had mentioned her category as Most Backward Category (MBC). An application was made by the petitioner on-line for correction of the aforesaid mistake, for the reason that if such correction was not carried out, the petitioner, in accordance with the terms of the advertisement, would be declared as a candidate of the General Category.

3. It has further been submitted on behalf of the petitioner that the preliminary merit-list discloses that the cut-off marks for Backward Category candidates is 58.96 marks. The petitioner is sanguine that if she is treated as a



candidate under Backward Category, she would get more marks than the cut-off marks because of her experience which would fetch her not less than 10 marks. The petitioner is only apprehensive of the fact that her case may not be treated as case of Backward Category candidate because of the wrong entry in the form of her being a candidate under the Most Backward Category.

4. A representation has been filed by the petitioner on 26.11.2018, which has, till date, not been responded to or at least has not been answered and the petitioner has not been communicated any decision of the respondent authorities over such representation. It has also been pointed out that the final-list has not yet been prepared and published.

5. Under the aforesaid circumstances, this Court deems it appropriate to direct the Secretary, Bihar Staff Selection Commission, Bihar, Patna (respondent No. 4) to dispose off the representation filed by the petitioner by a reasoned order, taking into account that positive effort was made by the petitioner to make correction in the form.



6. To facilitate any decision in that regard, the petitioner is directed to make a fresh representation before the Secretary, Bihar Staff Selection Commission, Bihar, Patna (respondent No. 4), within a period of one week from the date of receipt/production of a copy of this order, enclosing a copy of this order. On receipt of such representation, the decision over the same shall be passed by the Secretary, Bihar Staff Selection Commission, Bihar, Patna (respondent No. 4) within a period of three weeks thereafter, but definitely before the final-list is prepared and published.

7. With the aforesaid direction and observation, the writ petition stands disposed off.

(Ashutosh Kumar, J)

Praveen-II/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	11.02.2019
Transmission Date	N/A

