

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8484 of 2015

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Suman Saroj Daughter of Sri Narendra Kumar resident of village- bhirha, P.O-
Amarpur, P.s. Medni Chowk, District Lakhisarai.

... .. Petitioner

Versus

1. The State Of Bihar
2. The Principal Secretary, Health Department, Bihar, Patna.
3. The DirectorHealth Service, Bihar, Patna.
4. The Bihar staff Selection commission through its Chairman , P.O. Vetnary College, Bihar , Patna.
5. The Secretary, Bihar Staff Selection Commission, Bihar , Patna.
6. The Joint Secretary, Bihar Staff Selection Commission, Bihar , Patna.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr.Dilip Kumar Tewari
For the Respondent/s : Mr.Harish Kumar- Gp32

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 07-08-2019 Petitioner in the instant proceedings seeks a declaration of her being successful in the process of selection for appointment of General Nurse Midwifery against most backward class category.

She has participated in the process of selection in the year 2014. She was called for interview on 29.9.2014 pursuant to memo No. 3219 dated 16.9.2014. It is the petitioner's case that since the certificate showing that she did not belong to the creamy layer was not available, the same could not be submitted at the time of interview. It is specific case of the petitioner that the certificate was submitted after 1st list of successful candidate was published, as demanded. In the circumstances, she submits that her candidature should have been considered against the reserved category of most backward class. However her result



has been published against the general category and as such she has not been offered appointment.

Counsel appearing for the respondent authorities have relied upon interview letter dated 16.9.2014, which clearly requires production of creamy layer certificate in support of claim for appointment against a reserved category at the time of interview. It is clearly mentioned that if the creamy layer certificate is not submitted at the time of interview, candidature was to be treated as a general category (unreserved). It is further clarified in the interview letter that no further time would be granted for production of creamy layer certificate.

In view of the said clear stipulation in the interview letter, petitioner's assertion that she submitted creamy layer certificate after publication of 1st list of successful candidates cannot be made basis of seeking a direction that her case be considered against most backward class category as she did not comply with the clear stipulation in the interview letter dated 16.9.2014. Since the creamy layer certificate was not admittedly submitted at the time of interview her candidature has rightly been considered against general category.

The counter affidavit filed by the respondents discloses that the petitioner had secured total 44.84% whereas 50.38% was cut off for general category. Accordingly, the petitioner was beyond zone of consideration. Petitioner's candidature being beyond zone of consideration is also evident from score card (Annexure 5) which shows that she was placed at rank 4346 whereas last general category candidate who was recommended is at rank 3321.

Upon going through the aforesaid facts and circumstances this Court would observe that the petitioner has



not made out any enforceable claim/right to be considered against most backward class category, in view of the admitted fact that creamy layer certificate was not produced at the time of interview in terms of interview letter dated 16.9.2014.

Counsel for the petitioner further submits that some time back he had received information from pairvikar of the petitioner that in a subsequent process of selection petitioner has obtained appointment.

Dismissal of the instant writ petition will have no effect on the petitioner's selection in the subsequent process of selection. Therefore this Court would not consider the said fact in the instant proceedings to be a relevant fact.

The writ petition stands dismissed.

(Madhuresh Prasad, J)

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