

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.6249 of 2019**

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Kumari Rachna Bharti, daughter of Sri Bhola Prasad Jaiswal, resident of Mohalla-Purabsarai Road, J.P. Chowk, Munger, P.S.- Munger, Dist.- Munger.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Dept. of Health , Govt. of Bihar, Patna.
2. The Director-in-Chief, Health Services, Govt. of Bihar, Patna
3. The Civil Surgeon-cum-Chief Medical Officer, Purnea.
4. In-Charge Medical Officer, Primary Health Centre, Purnea East, Purnea.
5. The Chairman, Bihar Staff Selection Commission, Patna.
6. The Secretary, Bihar Staff Selection Commission, Patna.

... .. Respondent/s

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**Appearance :**

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|----------------------|---|----------------------------------|
| For the Petitioner/s | : | Mr.Satish Chandra Jha, Advocate  |
| For the State        | : | Mr. Pankaj Kumar ( SC-12)        |
|                      |   | Mr. Kamlesh Kishore, AC to SC-12 |
| For the B.S.C.C      | : | Mr. Dr. Ratan Kumar, Advocate    |

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**CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR**  
**ORAL JUDGMENT**

**Date : 22-04-2019**

The petitioner is aggrieved by the communication dated 20.01.2019 contained in Memo No. 165 issued under the signature of Secretary, Bihar Staff Selection Commission, Patna whereby after verification of the result which was earlier published of the successful candidates of ANM, a revised list has been published in which the name of the petitioner does not figure. No reason has been accorded for disqualifying the petitioner when she had



earlier been selected and her name appeared in the merit list.

2. The petitioner and other candidates whose names had earlier figured in the merit list and who have been disqualified now have not been asked for their explanation.

3. The petitioner could somehow or other obtain information from the office of the Bihar Staff Selection Commission that perhaps because of the certificate of experience furnished by the petitioner not being taken into account that she has been disqualified. On further probe, the petitioner learnt that the certificate of the Civil Surgeon regarding her experience in the hospital was not taken into account because the certificate was issued without any memo number and date.

4. Later, it has been urged on behalf of the petitioner, a corrigendum was issued indicating that by mistake, memo number and date in certificate of experience was not entered and a fresh certificate has been now issued.



5. Since no reason has been assigned in the communication disqualifying the petitioner, who had earlier been qualified and the petitioner was not even noticed, it is only necessary and proper that petitioner be given opportunity to represent before the Secretary, Bihar Staff Selection Commission (respondent No. 6).

6. On the petitioner making a representation before the Secretary, Bihar Staff Selection Commission (respondent No. 6) within a period of two weeks from today, the respondent No. 6 shall be under an obligation to look into the entire facts and pass a reasoned order in accordance with law within a further period of four weeks thereafter, but definitely before the final list of successful candidates is published.

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

**(Ashutosh Kumar, J)**

Shageer/-

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| AFR/NAFR       | NAFR       |
| CAV DATE       | NA         |
| Uploading Date | 27/04/2019 |

