

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13308 of 2011

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1. RENU SINHA W/O Shri Awadwsh Kumar R/O Koklucho Chak, P.S. Noorsarai, Distt. Nalanda.
 2. Indra Mani Kumari W/O Shri Birendra Kumar R/O Makasudpur, P.S. Shahjahanpur, Distt. Patna.
 3. Sudha Kumari W/O Sri Chandresh Ray Pd. R/O Vill. Saraiya Bigha, P.S. Noorsarai, Distt. Nalanda.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR and ORS
2. Director, Health And Family Welfare Bihar, Patna.
3. The Principal Secretary, Human Resource Development Deptt., Govt. Of Bihar, Patna.
4. Director, Secondary Primary And Adult Education Bihar, Patna.
5. The Principal Secretary, Deptt. Of Health And Family Welfare, Govt. Of Bihar, Patna.
6. The State Health Society Bihar, Patna Through Its Chairman.
7. The Executive Director State Health Society, Bihar, Patna.
8. Bihar School Examination Board, Patna through It'S Chairman.
9. The Secretary, Bihar School Examination Board, Patna.
10. The District Magistrate, Araria Cum Chairman District Health Society, Arariya.
11. The Civil Surgeon Cum Arariya Cum Member Secretary District Health Society, Arariya.
12. The Incharge Medical Officer, Primary Health Centre, Araria.
13. The Incharge Medical Officer, Primary Health Centre, Sikti Arariya.
14. Indian Nursing Council Now Delhi, Combind Council Building Soutlu Marg, Temple Lane, Awanegalib Mar
15. Bihar Nurshing Council, Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Vardhan Narayan
For the State	:	Mr. Anirban Kundu, SC 24
For BSEB	:	Mr. Manish Kumar

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

14 29-07-2019

Heard counsel for the petitioners and counsel for the



respondents-State.

Petitioners have challenged communication dated 29.11.2010 issued by respondent no.11. Petitioners' selection as A.N.M has been made subject to registration with Bihar Nursing Council.

Counsel for the petitioners submits that registration is not being allowed as proficiency certificates which petitioners possess are not from recognized institute.

Pursuant to advertisement in March, 2007, petitioners were employed on contractual basis for performing their duty for two years as A.N.M. He submits that petitioners' selection has been cancelled and such requirement which has been imposed upon them should not be considered for disallowing their continuance as A.N.M. Order dated 29.11.2010 which has been issued by the State Health Society clearly records that advertisement pursuant to which petitioners had applied required that proficiency/experience was to be from a government or government organization. The requirement of registration with Bihar Nursing Council was also contained in the advertisement pursuant to which petitioners applied.

Admittedly, institution from which the petitioners acquired proficiency is still not registered with Bihar Nursing



Council.

In the circumstance, petitioners' right from the very beginning are disqualified in terms of the advertisement. Bona fide of the petitioners cannot be made a ground so as to overlook disqualification in terms of advertisement dated 24.03.2007.

Counsel for the petitioners draws the attention of this Court towards the registration certificate dated 15.01.2015. The same has been furnished to some other persons. Placing reliance on the same, it is submitted that all certificates are recognized with Indian Nursing Council. The document which has been relied upon by the petitioners does not deal with proficiency certificates submitted by the petitioners. Petitioners also do not have requisite qualification in terms of advertisement. Continuance for three years bonafide cannot be relied upon to continue them further, having regard to the disqualification.

Writ petition is devoid of merit and the same is dismissed.

(Madhuresh Prasad, J)

s.hassan/-

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