

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.9232 of 2019**

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Shushila Kumari W/o Lalji Prasad R/o. Village and Post- Prasadiha, P.S.-  
Nagarnausa, Nalanda, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Old Secretariat, Patna.
2. The Bihar Staff Selection Commission Patna through its Secretary, Veterinary College, Patna.
3. The Chairman Bihar Staff Selection Commission, Patna.
4. The Health Department through its Principal Secretary, Government of Bihar, Vikas Bhawan, Bailey Road, Patna, Bihar.
5. The Medical Officer, Office In-charge, Nardiganj, Nawada.

... .. Respondent/s

with

**Civil Writ Jurisdiction Case No. 10867 of 2019**

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Prabhavati Devi @ Prabhawati Devi W/o Ajay Kumar Singh Resident of Asha Sadan, Mohalla- Mallahchak, Post Office and Police Station- Jehanabad, District- Jehanabad.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Health Department, Government of Bihar, Patna.
2. The Civil Surgeon-cum-Chief Medical Officer, Jehanabad, District- Jehanabad.
3. The Medical Officer, PHC-cum-Referral Hospital Makhdumpur, Jehanabad.
4. The Chairman, Bihar Staff Selection Commission, Bihar, Patna.
5. The Secretary, Bihar Staff Selection Commission, Bihar, Patna.

... .. Respondent/s

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**Appearance :**

(In Civil Writ Jurisdiction Case No. 9232 of 2019)

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|----------------------|---|--------------------------|
| For the Petitioner/s | : | Mr. Yashraj Bardhan      |
| For the State        | : | Mr. Birju Prasad (GP13)  |
| For the SSC          | : | Mr. Kumod Kr. Srivastava |

(In Civil Writ Jurisdiction Case No. 10867 of 2019)

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| For the Petitioner/s | : | Mr. Bindhyachal Singh       |
|                      | : | Mr. Mr. Umesh Kumar         |
| For the State        | : | Mr. R.B.N. Singh AC to GA10 |
| For the SSC          | : | Mr. S.S. Sundaram           |

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**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD**  
**ORAL ORDER**

4      05-09-2019                      Both petitions have been heard together and are being disposed of by this common order.

Heard learned counsel for the petitioners and learned counsel for the respondents-State as well as learned counsel for the Commission.

Petitioners were candidates for appointment on the post of Female Health Workers (Auxiliary Nurse Midwifery) pursuant to advertisement of the Commission dated 17.02.2016.

It is submitted by counsel for the petitioner in CWJC No. 9232 of 2019 that when provisional list was published, petitioner was shown having maximum marks i.e. 25 same has subsequently been revised leading to exclusion of the petitioner in the final list, as marks on account of experience have been ignored.

Learned counsel for the petitioner submits that if opportunity was granted and she could have produced experience certificates containing letter number and date so as to justify her candidature.

Additional submission advanced by Mr. Singh learned counsel for the petitioner in CWJC No. 10867 of 2019 is that advertisement pursuant to which petitioners applied did not



contemplate that experience certificates were required to contain letter number and date. He further submits that even call letter issued for counseling did not contemplate any such requirement.

In the instant case, Staff Selection Commission invited objection pursuant to provisional list dated 04.07.2018 itself. The same clearly contemplates that experience certificate without issuing letter number and date would not be considered as valid. Petitioner at that point of time had to challenge terms and conditions which was uploaded on website. By that time, petitioner's name has been included in the provisional selected list and was subject to consideration of objections, including scrutiny of experience certificate. This court would observe that requirement of letter number and date is not additional requirement. It is only a clause which has been notified while inviting objection so as to ascertain the genuineness of an already existing requirement i.e, the certificates issued. It cannot be considered a fresh or new requirement. Even if petitioner's submission is accepted, this court would observe that the petitioner has chosen not to challenge the requirement once which was uploaded on website while inviting objection. Petitioners have never challenged inviting objection which is Annexure 10.

Learned counsel for the Commission has filed a counter affidavit.



This court would find that position emerging from the pleadings is that when objection was invited after publication of provisional list, it was clearly mentioned that experience certificates which did not contain letter number and date would not be considered while preparing final list.

Term of the appointment process does not provide for allowing opportunity later to produce a different experience certificate with letter number and date. In fact, it is clearly mentioned in letters issued to candidates for counseling and they would not be given further opportunity to submit their documents and their candidatures would be considered on basis of documents produced at the time of application. The authorities, in the circumstance, have rightly excluded marks awarded to the petitioners on undated experience while preparing final result as certificates which were submitted did not contain letter number or date. That fact is not disputed by counsel for the petitioners.

Experience certificates without issuance number and date have rightly not been considered for allowing marks on account of experience. Petitioners cannot claim any right to award of marks or points for such certificates.

In the aforesaid circumstance, these writ petitions are



devoid of merit and are dismissed.

**(Madhuresh Prasad, J)**

s.hassan/-

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