

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12227 of 2019

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Kumari Vandana W/o Brajesh Kumar Resident of Mohalla- Raja Bazar, P.s.-
Shastri Nagar, Distt.- Patna

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna
2. The Special Secretary Department of Health, Govt. of Bihar, Patna
3. The Special Director Department of Health, Govt. of Bihar, Patna
4. The Director-in-Chief Directorate Health Services, Govt. of Bihar, Patna
5. The Secretary Health Department, Govt. of Bihar, Patna
6. The Bihar Staff Selection Commission through its Secretary
7. The Chairman Bihar Staff Selection Commission, Bihar, Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Shabbir Ahmad
		Mr. Anil Kumar Saxena
For the SSC	:	Mr. Satyam Shivam Sundaram, Advocate
For the State	:	Mr. Anirudh Kumari Singh, AC to GP-25

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL JUDGMENT

Date : 25-06-2019

Heard Mr. Shabbir Ahmad, learned Advocate for the
petitioner, Mr. Satyam Shivam Sundaram, learned counsel for
the SSC and Mr. Anirudh Kumar Singh, learned AC to GP-25.

The petitioner has approached this Court for directing
the respondents, especially the Bihar Staff Selection



Commission to consider the case of the petitioner in the category of BC-II and not BC-I.

It appears that pursuant to an advertisement for appointment on the post of ANM, the petitioner made on-line application and her candidature was registered. A clarification came from the Commission with respect to the permission granted to such candidates for making correction of mistakes in the application form. A time limit also was provided for such correction in the forms.

The petitioner had wrongly stated the caste category as BC-II but in fact she hails from the category of BC-I.

Pursuant to the aforesaid notice issued by the Commission, correction was made in the form by the petitioner within the time prescribed. However, to the dismay and shock of the petitioner, such correction was not carried out in the records of the Commission and the claim of the petitioner for being considered to be appointed in a particular category of BC-I got foiled. In fact, on the presentation of the result, the petitioner found that her candidature was considered in the category of general candidate.



Mr. S.S. Sundaram, learned Advocate for the Commission has submitted that though permission was granted to the applicant / aspirants to make correction in the on-line forms which they had hitherto submitted but the correction had to be only with respect to the typographical errors and not with respect to the category in which they would be considered. This in the opinion of the Court is specious.

There was no occasion for the Commission to have considered the case of the petitioner in general category when such correction was made by the petitioner within the time prescribed for correction.

Under the circumstances, the petitioner is directed to make a representation before the Secretary, Staff Selection Commission, Bihar, Patna, detailing the aforesaid facts and annexing a copy of this order within a period of four weeks from today, who on receipt of the same shall check up the record and pass necessary orders, within a further period of four weeks thereafter. In case the claim of the petitioner is found to be tenable and worth recommending in the category which she hails from, necessary recommendation also shall be



made. It would be for the State to respond to such recommendation. Needless to state that such response of the State would be dependent on the process of appointment remaining pending and the posts remaining vacant.

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

(Ashutosh Kumar, J)

skm/-

AFR/NAFR	N.A.F.R.
CAV DATE	
Uploading Date	27.06.2019
Transmission Date	

