

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12599 of 2019

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Dr. Narendra Kumar son of Sri Dil Keshwar Sharma, resident of Mohalla-
Chandan Nagar Bhavadepur, P.S.- Riga, District- Sitamarhi, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Department of Health, Government of Bihar, Patna.
3. The Joint Secretary of Bihar, Department of Health, Government of Bihar, Patna.
4. The Under Secretary, Department of Health, Government of Bihar, Patna.
5. The Principal, S.K. Medical College, Muzaffarpur, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Bhairaw Nand Sharma, Advocate
For the Respondent/s : Ms. Ratna Kumari, AC to PAAG-2

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL JUDGMENT

Date : 27-06-2019

Heard Mr. Bhairaw Nand Sharma, learned
advocate for the petitioner and Ms. Ratna Kumari,
learned AC to PAAG-2.

2. The petitioner is aggrieved by his non-
inclusion in the merit list of Associate Professors which
has been prepared against Advertisement No. 1/2019.

3. The aforesaid advertisement was issued for
appointment of Professors and Associate Professors in
the medical colleges in the State of Bihar. Against the



aforesaid advertisement, the petitioner had applied for appointment on the post of Associate Professor in the Department of Anaesthesia. The petitioner participated in the walk-in-interview and to his knowledge, his ranking was either three or four on the day when counseling was done. However, when his name did not appear in the merit list and twelve other candidates were shortlisted for selection, he enquired from the Health Department about the reason for his non-inclusion in the merit list. The petitioner was orally informed that that because of anomaly in the date in the experience certificate, his experience was not counted and therefore, he was not considered for selection.

4. The learned advocate for the petitioner has submitted that the certificate of experience which was issued earlier by the Government Hospital in which he was working, there was mismatch in the date at two places. Later, another/correct certificate was also furnished.



5. It has been submitted on behalf of the petitioner that the petitioner was never informed of this deficiency in the documents furnished by him. He has further submitted that if at all this was the ground for his non-inclusion, he should have been informed by the selecting authority for rectifying the mistake which had crept in the submission of the form or in the documents which had been furnished by the petitioner.

6. In an earlier litigation of the Health Department and on the orders of a Bench of this Court, a direction was issued by the Health Department that in all such cases of selection, the candidates must be informed about any deficiency in the documents furnished by them and an opportunity be also given to them for rectifying such mistakes.

7. There is no reason why the petitioner was not told about this mismatch of dates in the experience certificate, which was only inadvertent and for that, the petitioner could not have been held responsible.



8. It has further been submitted by the petitioner that he did not make any wrong statement nor furnished any wrong document and it was only because of the mistake on the part of the Superintendent of the Hospital where the petitioner was hitherto working that there was a mismatch in the date of issuance of the certificate. This could not have been the reason for shutting out the petitioner for being selected for the post.

9. The aforesaid facts, the learned advocate for the petitioner reiterates, was informed to the petitioner orally.

10. The petitioner, on coming to know of such fact has represented before the Principal Secretary, Department of Health, Government of Bihar, but the same has not been acted upon.

11. Under the aforesaid circumstances, the petitioner is directed to make a detailed representation before the Principal Secretary, Department of Health,



Government of Bihar, Patna (respondent No. 2) within a period of four weeks from today, ventilating his grievances and indicating the reasons for such mismatch in the date of certificate of experience produced by him. On receipt of such representation, the Principal Secretary, Health Department shall pass a reasoned order in accordance with law within a period of four weeks thereafter.

12. With the aforesaid observation/direction, the writ petition is disposed of.

(Ashutosh Kumar, J)

Shageer/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	29/06/2019

