

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13413 of 2019

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Kumari Rachna Bharti, D/O 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 :

For the Petitioner/s	:	Mr. Satish Chandra Jha 3, Advocate
For the Respondent/s	:	Mr. Mujtabaul Haque (GP 12)
		Mr. Manish Kumar, AC to GP 12
For the Commission	:	Mr. Satyabir Bharti, Advocate

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL JUDGMENT

Date : 08-07-2019

Heard the learned counsel for the parties.

2. The petitioner has challenged the order dated 24.05.2019 passed by the Secretary, Bihar Staff Selection Commission, Patna whereby the representation of the petitioner pursuant to an order of this Court has been rejected.

3. It may be noted that when the petitioner did not find her name in the list of successful candidates for ANM, she had enquired into the matter and came to learn that she had not been ultimately marked for the certificate of experience which she had furnished along with her



application. In the beginning, the petitioner's name appeared in the provisional list but later, her name was not included in the final list. This led the petitioner to come to this Court vide C.W.J.C. No. 6249 of 2019.

4. This Court vide order dated 22.04.2019, relying upon the submission of the petitioner that the certificate of experience which was furnished by her did not contain the memo number as well as the date of issuance of such certificate which was not because of any fault of the petitioner but because of the inadvertence of the issuing authority, directed the petitioner to represent before the concerned respondent for passing an order in accordance with law. It was also taken note of by this Court on the earlier occasion that the fresh certificate of experience was issued by the Civil Surgeon and a corrigendum was also attached along with the certificate that such experience certificate was issued inadvertently without the date of issuance of such letter and the memo number. These two documents were placed by the petitioner before the concerned respondent for consideration of her claim. The order impugned does not refer to the aforesaid fact and only states that by mistake, the petitioner was marked for her experience when she should not have been marked on that score. The order further reflects that when it was discerned that the



petitioner and others were not entitled for the marks on the basis of their experience, the name of the petitioner was removed from the list of successful candidates.

5. Learned counsel for the petitioner submits that the order, though has been passed in compliance of the direction passed by this Court in C.W.J.C. No. 6249 of 2019 but there has been total non-application of mind. The concerned respondent has not taken note of the fact that the deficiencies in the certificate of experience was not because of the fault of the petitioner and which fact was admitted by the Civil Surgeon, who had issued such certificate.

6. There is no application of mind over the aforesaid fact and the representation of the petitioner has been rejected mechanically.

7. For the reasons of the order being non-speaking with respect to the ground raised in the representation, the order is set aside.

8. The matter is remitted to the Secretary, Bihar Staff Selection Commission, Patna (respondent no. 6) for writing out a fresh order in accordance with law after taking into account the grounds raised in the representation by the petitioner. The petitioner would file a fresh representation before the Secretary, Bihar Staff Selection Commission, Patna (respondent no. 6) annexing



a copy of this order within a period of two weeks which shall be disposed of by a reasoned order within a period of three weeks thereafter.

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

(Ashutosh Kumar, J)

krishna/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	10.07.2019
Transmission Date	

