

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15614 of 2019

1. Tajammul Hussain Son of Late Md. Abdullah Resident of Near Arbice College, Mehdi Hassan Chowk, Brahmapura, P.O.-M.I.T., P.S. Brahmapura, District-Muzaffarpur
2. Krishna Kumar Sharma Son of Bideshi Sharma Resident of Village and P.O.-Sabar, P.S. Karmachat (Sabar), District-Kaimur
3. Santosh Kumar Sah Son of Binod Sah Resident of Village-Sakmapur Mirzapur Road, P.O. Lalbagh, P.S. Darbhanga Town, District-Darbhanga
4. Satyanarayan Kumar Son of Surendra Prasad Resident of Village-Chatar, P.O. Paibigha, P.S. Makhdumpur, District-Jehanabad
5. Priyanka Kumari Wife of Dileep Kumar Das R/o Village and P.O.-Kishanpur Yusuf, P.S./ Sarairanjan, Via-Pahali, District-Samastipur
6. Md. Aquil Ahmad Son of Late Md. Sayeed Resident of Mohalla-Naughara, P.S. Sultanganj, District-Patna
7. Ashvinee Kumar Son of Ramashankar Upadhyay Resident of Village-Pahari, P.O. Babhani, P.S. Karaghar, District-Rohtas
8. Ramakant Singh Son of Late Ramswarth Singh Resident of Village-Saktipuram Colony, P.O.-Ashiyana Nagar, P.S. Rajeev Nagar, District-Patna
9. Ratnesh Kumar Gupta Son of Late Suresh Prasad Gupta Resident of Village and P.O.-Nasriganj, P.S. Nasriganj, District-Rohtas
10. Md. Firoz Alam Son of Md. Noor Gani Resident of 68, AGC Bose Road, Near Bambuvilla Park Street, P.S. - Park Street, Calcutta (W.B.)
11. Smita Kumari Wife of Pankaj Kumar Resident of Village and P.O.-Mahmadpur Sakra, P.S.-Bibhutipur, Via-Balsingsarai, District-Samastipur
12. Vivek Raj Son of Sri Gauri Shankar Sharma Resident of Village-Khaira, P.O. -Sikariyan, P.S.-Darigaon, District-Rohtas
13. Rubi Kumari Wife of Abhijeet Kumar Resident of Village-Kisnipatti, Ward No. 7, P.O. and P.S.-Ghoghardiha, District-Madhubani

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna
2. The Principal Secretary Health Department, Government of Bihar, Patna
3. The Principal Secretary General Administration Department, Government of Bihar, Patna
4. The Director-in-Chief Health Services, Health Department, Government of Bihar, Patna
5. Bihar Staff Selection Commission through its Chairman, Bailey Road, Patna
6. The Secretary Bihar Staff Selection Commission, Bailey Road, Patna

... .. Respondent/s



Appearance :

For the Petitioner/s : Mr. Krishna Kant Singh, Advocate
For the Respondent/s : Mr. Birju Prasad (GP-13)
Mr. Ravi Kumar, AC to GP-13
Mr. Ashok Kumar, AC to GP-13

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 07-08-2019 Heard the learned counsel for the parties.

The petitioners are aggrieved by the decision of the Bihar Staff Selection Commission in not considering their candidature for being appointed on the post of E.C.G. Technician against the advertisement No. 07010116.

It has been submitted on behalf of the petitioners that they possessed all qualifications which is necessary for them to be considered but they have been orally informed that they shall not be considered because they do not have requisite qualification.

Under the recruitment rules of ECG Technician which known as "*Bihar E.C.G. Technician Cadre Rules, 2014*", the dictionary of such Rules defines "Government" as "State Government", and the minimum



technical qualification is of Diploma in E.C.G. course from an institute recognized by the Government and a certificate to that effect.

The claim of the petitioners is that they have a Diploma in E.C.G. technical course but according to the Commission, such qualification is not from any institute which is recognized by the State Government. However, a claim has been made on behalf of the petitioners that the State Government has not come out with any list of such recognized institutions and therefore any person having Diploma in E.C.G. Technical course from any institute would be eligible for being considered.

Learned counsel for the petitioners has further submitted that since the petitioners are working on contract in the Government and some of them have crossed their age for being considered to be appointed on the post of E.C.G. Technician, they need to be considered.

Under the aforesaid circumstances, the



petitioners are directed to make a representation before the Secretary, Bihar Staff Selection Commission, Bailey Road, Patna (Respondent No. 6) within a period of one week, who would take a decision on the aforesaid aspect in accordance with Rules and if the State Government has not published any list of such recognized institutes, then the Commission may consider the claim of the petitioners. In any event, the petitioners shall be intimated about the result on the aforesaid representation preferred by them within a further period of four weeks thereafter.

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

(Ashutosh Kumar, J)

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