

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15461 of 2019

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Amit Kumar S/o Krityanand Thakur R/o Village-Hanuman Nagar, P.O.-
Chandour, P.S. Sour Bazar, District-Saharsa

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Health Department, Bihar, Patna
2. The Director in Chief Health Service, Govt. of Bihar, Patna
3. The Principal Secretary General Administrative Department, Govt. of Bihar
4. The Secretary Health Department, Govt. of Bihar
5. Officer on Special Duty (O.S.D.) Health Department, Govt. of Bihar
6. The Chairman Bihar Staff Selection Commission, Bihar, Patna
7. The Secretary Bihar Staff Selection Commission, Bihar, Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Shivendra Kishore, Sr. Advocate Mr. Nafisuzzoha, Advocate
For the Respondent/s	:	Mr. Ajay Behari Sinha (GA 8) Mr. Neeraj Raj, AC to GA 8.

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL JUDGMENT

Date : 06-08-2019

Heard the learned counsel for the parties.

2. The petitioner, who has a diploma in Operation Theatre Technique from Jamia Hamdard, Hamdard University has not been permitted to participate in the walk-in-interview on 07.08.2019 for being considered for appointment as Operation Theatre Assistant for which an advertisement has been issued on 21.06.2015 by the Bihar Staff Selection Commission, Patna.

3. 236 posts of Operation Theatre Assistant has been advertised and the minimum qualification for any



person to apply for such post is Intermediate/10+2 in Science subjects and the technical qualification is of diploma course from an institute which is recognized by the State as well as experience of working as an Operation Theatre Assistant.

4. The aforesaid advertisement is in tune with the rules regarding the appointment and service conditions of Operation Theatre Assistants. The rules which have been framed on 13.02.2014 indicate that the expression "Government" is to be construed as the 'Government of Bihar' and only such persons would be eligible to be appointed on the post of Operation Theatre Assistant in a government hospital who has a diploma course in Operation Theatre Assistant Technology from an institute which is recognized by the State of Bihar.

5. Considering the aforesaid facts, the claim of the petitioner for being considered was rejected and the petitioner was also informed about his status.

6. Though the petitioner has raised an objection in terms of the advertisement but no response has been received by him from the Commission as yet.

7. Learned counsel for the Bihar Staff Selection Commission has shown to this Court the rules framed for appointment of Operation Theatre Assistants in government hospitals and has further demonstrated that



the petitioner though is technically trained but the diploma course is from an institution which does not have the recognition of the State of Bihar.

8. For the aforesaid reason, the claim of the petitioner has been rejected.

9. This Court does not find any reason to interfere with the decision of the Commission so far as the candidature of the petitioner is concerned.

10. The petition is dismissed.

(Ashutosh Kumar, J)

krishna/-

AFR/NAFR	NAFR
CAV DATE	NA
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