

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1031 of 2015

In
Civil Writ Jurisdiction Case No.22499 of 2014

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Munni Kumari wife of Santosh Kumar Jha, resident of village- Kabilpur, P.S.-
Kanti, District-Muzaffarpur.

... .. Appellant/s

Versus

1. The State of Bihar through the Director, The State Health Society, Pariwar Bhawan Shekhura, Patna.
2. The Executive Director, State Health Society, Pariwar Kalyan Bhawan Shekhura, Patna.
3. The Additional Executive Director, Pariwar Kalyan Bhawan Shekhura, Patna.
4. The Senior Dy. Collector-Cum-Nodal Officer, the State Health Society, Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Saket Tiwary, Adv. Mr. Santosh Kumar Jha, Adv.
For the State Health Society	:	Mr. K.K. Sinha, Adv.
For the Respondent No. 2 to 4	:	Ms. Rashmi Bharti, AC to SC 21

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
and
HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE JYOTI SARAN)

Date : 07-01-2019

Heard learned counsel for the parties.

This intra-court appeal arises from the judgment and
order dated 10.4.2015 passed in C.W.J.C. No. 22499 of 2014
whereby the writ petition has been dismissed.

The pleadings on record would confirm that the
appellant-petitioner was an applicant for appointment against the
post of ANM (Auxiliary Nurse Midwifery) following a selection



process initiated by the respondent-District Health Society, pursuant to the advertisement published in the year 2013, a copy of which is at Annexure-4 to the writ petition. The petitioner comes from the unreserved category which was allocated 534 posts and placed at 656 rank in the merit list of candidates coming from the general category. It is the stand of the State Health Society in their counter affidavit filed in the writ proceedings that a decision was taken to call all such number of candidates for counseling which was 20% in excess of the number of posts earmarked for each category. It is stated that since there was 534 posts earmarked for the general category, the Society decided to counsel the candidates up to the rank of 641 in the general category and since the petitioner was placed at Serial No.656 of the merit list, she was not called for counselling.

Learned Single Judge taking note of this position has dismissed the writ petition and though this intra-court appeal has been filed by the petitioner but there is nothing on record to challenge the stand taken by the State Health Society at paragraph 7 of the counter affidavit so filed in the writ proceedings nor the petitioner has been able to demonstrate whether any one below the petitioner was called for counselling .



In such view of the matter and since the selection is in relation to the advertisement published in the year 2013 and since as per Mr. K.K. Sinha learned counsel for the State Health Society, the selection process is long over, we are not persuaded to interfere with the order impugned in the appeal.

The appeal is dismissed accordingly.

(Jyoti Saran, J)

(Arvind Srivastava, J)

Bibhash/Ranveer

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