

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20350 of 2019

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Rinkee Kumari D/o Ram Sevak Thakur, R/o Village- Khoksaha, P.O. Madhopur, Ward No. 18, P.S. Bibhutipur, District- Samastipur.

... .. Petitioner

Versus

1. The State of Bihar through Principal Secretary Department of Health, Government of Bihar, Patna.
2. The Principal Secretary Department of Health, Government of Bihar, Patna.
3. The Chairman, Bihar Staff Selection Commission, Veterinary College Campus, Patna.
4. The Secretary, Bihar Staff Selection Commission, Veterinary College Campus, Patna.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr.Alok Kumar Rahi
For the Respondent/s : Mr.Binod Kr. Yadav (Sc18)

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 22-11-2019 Heard learned counsel for the parties.

2. The petitioner claims that she had applied for the post of Auxiliary Nursing Midwife (ANM) in response to Advertisement No. 03010216 issued by the Bihar Staff Selection Commission, Patna (hereinafter referred to as the BSSC)) as a candidate belonging to Extremely Backward Class Category. The petitioner's score, based on the selection process adopted by the BSSC is 60.85 and the cut-off marks for EBC category, as decided by the BSSC for making recommendations for appointment to the post, has been determined as 45.82.

3. The grievance of the petitioner is that the BSSC has erroneously treated the petitioner's candidature as General Category despite the fact that she had applied as a candidate belonging to EBC category. The petitioner is said to have approached the BSSC raising a grievance to the aforesaid effect.



4. Learned counsel for the petitioner has submitted that the vacancies for EBC candidates are yet to be filled up and certain posts are vacant. He submits that denial by the BSSC to consider the petitioner's candidature as EBC category is arbitrary and illegal and is violative of Articles 14 and 16 of the Constitution of India, inasmuch as, persons lower in merit belonging to the said category have been appointed.

5. Considering the facts and circumstances, this writ application is disposed of at this stage itself with a direction that let the Secretary, BSSC consider the petitioner's claim to be belonging to EBC category, if she had claimed her status at the time of filling up the application form, within one month from the date of receipt/ production of a copy of this order. The petitioner shall be at liberty to present before the Secretary, BSSC a fresh representation along with a copy of the present order. If the petitioner's representation is found to be not acceptable by the Secretary, he will have to record brief reason therefor and supply the same to the petitioner in the form of an order.

(Chakradhari Sharan Singh, J)

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