

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19947 of 2018

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Dr. Anita Kumari aged about 40 Years Wife of Anupam Kumar
Chandan Resident of Mohalla-Janakpuri, Lane No.2, East Gola
Road, Police Station Rupaspur, District-Patna

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Health, Bihar, Patna
2. The Bihar Public Service Commission through its Chairman, Jawahar Lal Nehru Marg, Bailey Road, Patna
3. The Chairman, Bihar Public Service Commission, Patna
4. The Joint Secretary-cum-Examination Controller, Bihar Public Service Commission, Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s :	Mr. P.K. Shahi, Sr. Adv Mr.Mukesh Kumar, Adv
For the B.P.S.C. :	Mr. Sanjay Pandey, Adv
For the State :	Mr.Chitranjan Sinha- PAAG-2 Mr. Shailendra Kumar, AC to PAAG-2

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL JUDGMENT

Date : 04-01-2019

Heard Mr. P.K. Shahi, learned senior counsel for the
petitioner and Mr. Sanjay Pandey, learned counsel for the
B.P.S.C. The State is represented by Mr. Shailendra Kumar,
AC to PAAG-2.

The petitioner is aggrieved by the fact that her
inadvertence in not submitting the original experience
certificate has led to her being marked zero in the head of
the experience in any Government Hospital.



The learned counsel for the petitioner has drawn the attention of this Court to the fact that pursuant to an advertisement for appointment to the post of Dentist vide Advertisement No. 05/2015, the petitioner made an application along with the details which was required of her in fill up in her form.

It is the case of the petitioner that she has been marked 43.82 out of 100 marks on the basis of her marks in BDS as well as in interview. For the experience that she had, she was marked zero for her not having supplied or submitted the original certificate regarding her experience in a Government Hospital.

Mr. Shahi, learned senior advocate has drawn the attention of this Court to the advertisement pursuant to which the examination was conducted, which indicates that for the experience of each year in a Government Hospital, a candidate would be marked five points with a maximum ceiling of 25 marks. The petitioner has in possession certificates for four years as a Dentist in a Government Hospital on contractual appointment thereby undisputably



entitling her for 20 more marks than what she has obtained. It has further been submitted that because of the better quality of xerox machine these days, the xerox copy was mistakenly submitted by considering it to be the original copy of the certificate.

The petitioner is in possession of the original copies of those certificates, a sample of which has been produced for the inspection of the Court at the time of hearing of the application. If 20 marks are added to the marks obtained by the petitioner, she would definitely get more than 63 marks, which is way above the cut-off marks of 56 percent.

The learned senior counsel for the petitioner has therefore submitted that merely because of this avoidable inadvertence, the petitioner ought not to be shut out from the list of successful candidates.

It has further been submitted that one of the selected candidates is reported to have died of cancer and in support of the aforesaid submission, a document showing *ex-gratia* payment to the widow of the aforesaid candidate has been brought on record.



According to the petitioner, the entire posts in general category have not yet been filled-up.

In such circumstances, this Court directs that in the event of the petitioner making a representation before the Chairman of the B.P.S.C. within a period of three weeks from today along with the original certificates regarding experience gained by the petitioner in Government Hospital, necessary rectification shall be made in the recommendation made by the B.P.S.C. to the Appointing Authority but only subject to finding the statements in the representation to be factually absolutely correct. The Chairman of the Commission shall dispose off such representation and pass a speaking order within three weeks of the submission of the aforesaid representation.

With the aforesaid direction, the writ petition is disposed off.

(Ashutosh Kumar, J)

Shageer/-

AFR/NAFR	NAFR
CAV DATE	NA
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