

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.24228 of 2018

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Saroj Kumari wife of Sri Sanjit Kumar Resident of Village and P.O. Chandrahatti, P.S. Kurhani, District- Muzaffarpur.

... .. 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 Director-in- Chief, Health Service, Bihar, Patna. Muzaffarpur.
4. The Bihar Staff Selection Commission, P.O. Veterinary College, Patna- 14 through the Secretary.
5. The Chairman, The Bihar Staff Selection Commission, P.O. Veterinary College, Patna- 14.
6. The Secretary, The Bihar Staff Selection Commission, P.O. Veterinary College, Patna- 14.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Vijay Kumar Singh, Advocate
For the State	:	Mr.Binod Kr. Yadav, Advocate
For BSSC	:	Dr. Ratan Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date : 06-08-2019

I.A. No.1 of 2019

In this interlocutory application, a prayer has been made to amend the writ petition and the facts mentioned in this application should be treated to be a part of the main writ application.

Accordingly, this interlocutory application is allowed and the averments made in this interlocutory application will be treated to be the part of the main writ petition.

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Heard the parties.

A short question has been raised in the present writ application that candidature of the petitioner has wrongly been rejected on the ground of being named in the SIT case pending against her.

The petitioner has applied for the post of A.N.M. as per the advertisement published by the Bihar Staff Selection Commission, whereafter the petitioner appeared in the examination, produced the original records, the recommendation was made by the Bihar Staff Selection Commission vide Memo No. 3138 dated 2.11.2018 and against some of persons star mark has been shown, which is meant for result withheld due to SIT Case.

Specifically the petitioner has said that as per the knowledge of the petitioner, there is no SIT case is pending against her as she has never been called for investigation. It has been stated that the candidature of those against whom star mark was given has been cancelled.

Counter affidavit has been filed by the State, but there is no reply with respect to the pendency of SIT case against the petitioner.

In such view of the matter, this Court directs the



authority concerned to examine the case of the petitioner as to whether she is facing any criminal case and the same is pending for investigation by the SIT. If it is found that no SIT case is pending against the petitioner, her candidature will restore and, accordingly, needful action would be taken.

However, it is made clear that if any SIT case is pending against the petitioner, certainly she will not be entitled to any relief.

With this observations and directions, this writ application stands disposed of.

(Shivaji Pandey, J)

V.K.Pandey/-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
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