

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9620 of 2020

Sanjeev Kumar Jha, Son of Leela Raman Jha, Resident of Village-
Mahinathpur, P.S. Bhairabasthan, District-Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Department of Health Government of Bihar, Patna.
3. Director, Health Services, Government of Bihar, Patna.
4. Staff Selection Commission, P.O.-Veterinary College, Patna-800014,
through its Secretary.
5. Secretary, Staff Selection Commission, P.O.-Veterinary College, Patna-
800014,

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.

For the Respondent/s : Mr. S.D. Yadav, AAG-9

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL JUDGMENT

Date : 22-11-2021

None appears for the petitioner.

2. In the instant petition, petitioner has prayed for
following reliefs:

“(i) For issuance of an order,
direction or writ including writ in the nature of
mandamus commanding the respondents to
count the experience gained by the Petitioner at
the Central super specialty hospital, ECR/
Patna for the purpose of selection and
appointment of the Petitioner to the Clsaa-III
technical post of laboratory technician under
the health department government of Bihar.

(ii) For issuance of an order,
direction or writ including writ in the nature of
Mandamus commanding the respondents to
allow the petitioner to appear in the interview
after adding the marks allotted for work



experience in government hospitals.

(iii) For issuance of an appropriate declaration holding that in view of the Judgment of the Hon'ble Supreme Court in the case of Dr. (Major) Meeta Sahai vs State of Bihar (C.A. No. 9482 of 2019) the respondents are under obligation to count the experience of the Petitioner in the central government hospital.

(iv) For issuance of an appropriate declaration that non consideration of the experience of the Petitioner at the Central super specialty hospital, ECR/Patna would tantamount to violation of Article 16 of the constitution of India and the law laid down by the Hon'ble Supreme Court in C.A. No. 9482 of 2019.

(v) For any other relief, reliefs to which the petitioner may be found entitled to in the facts and circumstances of the case.”

3. Pursuant to the advertisement dated 21.06.2015 for selection and appointment to the Class-III post in the health department, petitioner is candidate of laboratory technician. His grouse is that experience gained by him at Central Super Speciality Hospital, ECR, Patna has not been taken note of for the purpose of selection and appointment to the post of lab technician.

4. The concerned respondent is hereby directed to redress the grievance of the petitioner in passing a speaking order as to whether petitioner is entitled to reliefs sought by him in the present petition. The competent authority is hereby directed to take note of the issue of delay in approaching this



court for the reasons that advertisement was issued in the year 2015 whereas present petition is presented in the year 2020. If the selection process including order of appointments were issued prior to 15.12.2020 necessary indulgence shall not be issued to petitioner. At this juncture, petitioner's grievance cannot be redressed. If the selection process is not completed as on 15.12.2020, in such event, the petitioner's grievance shall be redressed by counting the aforesaid experience in accordance with law for the purpose of selection and appointment to the post of laboratory technician. The above exercise shall be completed within a period of two months from the date of receipt of copy of this order.

5. Accordingly, the instant petition stands disposed of.

(P. B. Bajanthri, J)

rakhi/-

AFR/NAFR	
CAV DATE	
Uploading Date	25.11.2021
Transmission Date	

