

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.833 of 2019**

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1. Mamta Kumari Wife of Munendra Kumar Resident of Village- Kateya, Post- Kateya, P.S.- Kateya, District- Gopalganj.
2. Sindhu Devi Wife of Rajesh Kumar Mandal Resident of Village- Harnathchak, Post- Singhia Makandpur, P.S.- Gopalpur, District- Bhagalpur.
3. Nidhi Kumari Wife of Dheeraj Kumar Resident of Village- Jalgovind, Post- Barh, P.S. Barh, District- Patna.
4. Bebi Kumari Wife of Manoj Kumar Sinha Resident of Village and P.O. and P.S.- Itarhi, District- Buxar.
5. Manju Kumari Wife of Gopal Prasad Resident of Village- Khanapur, Post- Khushhalpur, P.S.- Telhara, District- Nalanda.
6. Chanchala Kumari Wife of Sanjay Lal Verma Resident of Village- Dayabigha, P.O.- Manjara Madhar, P.S. Ben, District- Nalanda.
7. Lalita Kumari Wife of Indra Shekhar Prakash Resident of Village- Habaspur, Post- Sehra, P.S. Sigori, District- Patna.
8. Manju Kumari Wife of Bindeshwari Prasad Resident of Village- Hasni, Post- Raisa, P.S.- Chandi, District- Nalanda.
9. Sarita Kumari Wife of Navin Bhaskar Resident of Village and P.O.- Ratanpur Ward No. 21, P.S.- Ratanpur, District- Begusarai.
10. Sangeeta Devi Wife of Omprakash Tiwari Resident of Village- Repura, Post- Repura, P.S. Hathwa, District- Gopalganj.
11. Sunita Devi Wife of Alok Kumar Thakur Resident of Village- Ukhra, Post- Rupauli Ghat, P.S. Bishanpur, District- Darbhanga.
12. Gunja Singh Wife of Sanjay Singh Resident of Village- Kubauli Ram, Post- Pusa, P.S.- Bangra, District- Samastipur.
13. Kumari Madhubala Sinha Wife of Ram Vinay Chaudhary Resident of Village and Post and P.S.- Nanpur, District- Sitamarhi.
14. Kumari Rambha Vishwakarma Wife of Suresh Vishwakarma Resident of Village- Kateya, Ward No. 5, P.S. Kateya, District- Gopalganj.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Special Secretary, Department of Health, Government of Bihar, Patna.
3. The Special Director, Department of Health, Government of Bihar, Patna.
4. The Secretary, Department of Personnel and Administrative Reforms, Government of Bihar, Patna.
5. The Secretary, Department of Finance, Government of Bihar, Patna.
6. The Director-in- Chief, Directorate of Health Service, Government of Bihar, Patna.
7. The Secretary, Health Department, Government of Bihar, Patna.



8. The Bihar Staff Selection Commission through its Secretary, Bihar, Patna.
9. The Chairman, the Bihar Staff Selection Commission, Bihar, Patna.
10. The Secretary, the Bihar Staff Selection Commission, Bihar, Patna.

... .. Respondent/s

with

**Civil Writ Jurisdiction Case No. 15967 of 2021**

1. Poonam Kumari Wife of Sri Anil Kumar Singh Resident of Village - Akhtiarpur Patera, P.S. - Sarai, District- Vaishali.
2. Archana Kumari Wife of Sri Ram Naresh Singh Resident of Mohalla - Sahwajpur, P.S. - Ahiyapur, District- Muzaffarpur.
3. Meera Rani Wife of Sri Bimlendu Kumar Chaudhary Resident of Mohalla - Ward No. 7, T.Y.K.S. College, Adarsh Nagar, P.S. - Sitamarhi, District- Sitamarhi.
4. Namita Kumari Wife of Sri Chandan Kumar Resident of Village - Kanti Tiwari Tala, P.O. and P.S. - Kanti, District- Muzaffarpur.
5. Punam Kumari Wife of Sri Saroj Kumar Resident of Village - Sahwajpur, P.S. Ahiyapur, District- Muzaffarpur.
6. Seema Kumari Wife of Sri Vikas Kumar Thakur Resident of Village - Sahwajpur, P.S. - Ahiyapur, District- Muzaffarpur.
7. Sabita Kumari Wife of Sudhir Pandey Resident of Village - Madhaul, P.O. - Susta Madhopur, P.S. - Kudhani, District- Muzaffarpur.
8. Babita Kumari Wife of Sri Anjani Kumar Singh Resident of Village - Chadah Pachadahi, P.S. - Sakra, District- Muzaffarpur.
9. Rubbi Kumari Wife of Sri Govind Kumar Thakur Resident of Village - Repura Susta, P.S. - Sakra, District- Muzaffarpur.
10. Juli Kumari Wife of Sri Kaushlendra Kumar Resident of Village Manchi, P.S. - Belsand, District- Sitamarhi.
11. Vimla Kumari Wife of Sri Ram Vinod Pandey Resident of Village - Piprahi, P.S. Piprahi, District- Sheohar.
12. Sabita Shrivastava Wife of Sri Vijay Lal Resident of Village - Dumra, P.S. - Nokha, District- Rohtas.
13. Seema Kumari Wife of Sri Sanjeev Kumar Resident of Village - Gaighat, P.O. Thumma, P.S. - Runni Saidpur, District- Sitamarhi.
14. Nirmala Kumari Wife of Sri Kaushal Kishore Shahi Resident of Village - Baruraj, P.S. - Baruraj, District- Muzaffarpur.
15. Nila Kumari Wife of Sri Ram Kumar Resident of Village and P.O. - Kamlapur, P.S. - Paroo, District- Muzaffarpur.
16. Hira Bhattacharya Wife of Sri Subhash Kumar Resident of Flat no. 201, Umrawati Enclave, Mohalla - Kusumpur Colony, Danapur, P.S. - Danapur, District- Patna.
17. Meera Kumari Wife of Sri Pramanand Prasad Singh Resident of Village and



P.O. - Meghaul, P.S. - Khodabandpur, District- Begusarai.

18. Mikki Kumari Wife of Sri Mukesh Kumar Singh Resident of Village and  
P.O. - Mohjmma, P.S. - Paru, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Finance Department, Government of Bihar, Patna.
3. The Additional Chief Secretary, Health Department, Government of Bihar, Patna.
4. The Special Secretary - cum - Executive Director, State Health Society, Health Department, Government of Bihar, Patna.
5. The Additional Director, State Health Society, Health Department, Government Of Bihar, Patna.
6. The Bihar Staff Selection Commission through its Secretary, Patna.
7. The Chairman, Bihar Staff Selection Commission, Patna.
8. The Secretary, Bihar Staff Selection Commission, Patna.

... .. Respondent/s

with

**Civil Writ Jurisdiction Case No. 16488 of 2021**

1. Bibha Kumari Wife of Sri Shailendra Kumar Resident of Village- Raisa, P.S.- Chandi, District- Nalanda.
2. Baby Kumari Wife of Sri Rajesh Kumar Arya Resident of Village- Mohiuddinpur, P.S.- Chiksaura, District- Nalanda.
3. Neelam Kumari Wife of Sri Shashi Munna Kumar Resident of Village- Badalpur, P.S.- Telhara, District- Nalanda.
4. Sulekha Kumari Wife of Sri Manoj Kumar Resident of Village- Madhopur Dih, P.S.- Chandi, District- Nalanda.
5. Nisha Kumari Wife of Sri Rajbabbar Prasad Resident of Village- Harigaon, P.S.- Belaganj, District- Gaya.
6. Gita Sinha Wife of Sri Satendra Kumar Resident of Village- Indaut, P.S.- Hilsa, District- Nalanda.
7. Anita Kumari Wife of Sri Ranjeet Kumar Registered of Village- Indaut, P.S.- Hilsa, District- Nalanda.
8. Rekha Kumari Wife of Sri Amrendra Kumar Sinha Resident of Village- Gokulpur, P.S.- Chandi, District- Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Finance Department, Government of Bihar, Patna.



3. The Additional Chief Secretary, Health Department, Government of Bihar, Patna.
4. The Special Secretary-cum-Executive Director, State Health Society, Health Department, Government of Bihar, Patna.
5. The Additional Director, State Health Society, Health Department, Government of Bihar, Patna.
6. The Bihar Staff Selection Commission through its Secretary, Bihar, Patna.
7. The Chairman, Bihar Staff Selection Commission, Patna.
8. The Secretary, Bihar Staff Selection Commission, Patna.

... .. Respondent/s

**Appearance :**

(In Civil Writ Jurisdiction Case No. 833 of 2019)

For the Petitioner/s : Mr. Bhola Kumar, Advocate  
 For the State : Mr. Ravi Kumar, AC to GP-13  
 For the BSSC : Mr. Dr. Ratan Kumar, Advocate

(In Civil Writ Jurisdiction Case No. 15967 of 2021)

For the Petitioner/s : Mr. Bhola Kumar, Advocate  
 For the Respondent/s : Mr. Binod Kumar Yadav ( Sc18 )  
 Mr. Aditya Nath Jha, AC to SC-18  
 For the BSSC : Mr. Kumod Kr. Shrivastaw, Advocate

(In Civil Writ Jurisdiction Case No. 16488 of 2021)

For the Petitioner/s : Mr. Bhola Kumar, Advocate  
 For the Staff Selection : Mr. Sanjay Kumar, Advocate  
 For the Respondent/s : Mr. Manoj Kr. Yadav, AC to GA-10

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

**Date : 15-12-2021**

Heard the learned counsels for the parties.

2. In the instant petition, petitioners have prayed for following reliefs:

“(i) For issuance of an appropriate writ(s) for quashing the Result published vide Memo No. 3138 dated 02.11.2018 published by the Bihar Staff Selection Commission for permanent appointment of A.N.M. (Auxiliary Nurses Midwifery) against Advertisement no. 03010216 and after quashing the above said result respondent authorities be directed to publish a fresh result including the name of petitioners aesthete so many



vacancy available and the petitioners fulfilled all the criteria for permanent appointment of A.N.M. as per advertisement and further respondents be directed to issue appointment letters to the petitioners in terms of the Hon'ble Court's Judgment/Order dated-17.08.2010 passed in C.W.J.C. No. 5538/1996.

(ii) Further for issuance of a writ in the nature of mandamus or any other appropriate writ/order/direction to the respondents to stay the further selection/appointment process against the Advertisement No. 03010216 for A.N.M. till final disposal of this writ application.

And for any other appropriate writ/order/direction as your Lordships may deem fit and proper as per the facts and circumstances of this case.”

3. It is noticed that petitioners have questioned the validity of result dated 02.11.2018 published by the Bihar Staff Selection Commission for permanent appointment to the post of Auxiliary Nurses Midwifery (for short “ANM”) pursuant to the Advertisement No. 03010216 and further sought for inclusion of the petitioner's name and to issue direction to stay further selection and appointment process with reference to the aforesaid advertisement.

4. Learned counsel for the petitioners vehemently submitted that on earlier occasion this Court had specifically directed the Commission to file their counter affidavit and it has not been filed.



5. *Prima facie*, the present petition is not maintainable in view of non-joinder of necessary and proper parties since the petitioners have questioned the validity of the result relating to ANM post. On this preliminary issue writ is liable to be dismissed with cost.

6. Learned counsel for the petitioners submitted that for 7,000 vacancies of ANM respondents have filled up 6478. For remaining vacancies petitioners could be accommodated. To that effect, there is no representation so as to issue direction to competent authority to examine whether the petitioners are eligible for the remaining unfilled post or not?

7. In these facts and circumstances, present petition stands dismissed reserving liberty to the petitioners to file representation to competent authority within four weeks.

**(P. B. Bajanthri, J)**

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