

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18378 of 2021

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Rekha Kumari D/o Parmeshwar Ray @ Parmeshwar Roy, W/o Shobhakant Roy, Resident of Village- Tharhi, P.S.-Andhratharhi, District-Madhubani. At Present Resident of Village-Dudhahi, P.S.-Babubarhi, District-Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary Health Department Bihar, Patna.
2. The Chief Executive Director State Health Society, Bihar, Patna.
3. The Executive Director State Health Society, Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sanjeev Kumar Jha, Advocate
For the Respondent/s	:	Mr. Mujtabaul Haque, GP 12
For Respondents 2 and 3:	:	Mr. K.K. Sinha, Advocate

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI

ORAL JUDGMENT

Date : 08-12-2021

In the instant petition, petitioner has prayed for the following relief/reliefs:

“(i) For issuance of direction to the authorities concern to accept the application form of the petitioner bearing application no. ANM334658 filled up within stipulated time i.e. on 25.09.2021 at 12.23 P.M. for the posts of ANM 8853 in light of direction given by the respondent no. 3 for the advertisement no. 05/2021 on 23.09.2021 in pursuance to the order dated 5.3.2021 passed by the Hon’ble High Court Pant in CWJC No. 4125/2020.

(ii) For issuance of direction to the authorities concern to accept the abovementioned application form of the petitioner in light of guideline given by the State Health Society (Respondent no. 3) at the time of advertisement published on 16.06.2021 for the post of ANM vide Advertisement no. 05/2021 after considering the requisite qualification of the petitioner for the post of ANM and as such be pleased to issue direction to the authorities concern to provide opportunity to petitioner for participating in CBT exam held for the post of ANM.

(iii) For issuance of direction to the authorities concern to remove, the cut off marks of 33% is necessary for matric examination is



uploaded in the web portal of State Health Society of Bihar for accepting the application, after considering the facts that it is not requisite criteria at the time of taking admission in 2 years diploma course of Auxiliary Nurse Midwifery (ANM) training course in Bihar nor such admission is made on the basis of marks obtained in matric examination nor the marks obtained in matric examination would be added at the time of preparation of merit list for the post of ANM nor such guideline given by the authority with regard to advertisement no. 05/2021.”

In the absence of demand before the competent authority, petitioner is not entitled of writ of mandamus. In the light of the Apex Court decision in the case of *Mani Subrat Jain vs. State of Haryana and Others* reported in *A.I.R. 1977 SC 276*, the present petition is not entertainable.

Petitioner is hereby directed to make necessary application within a period of one week from today. In the event of making such application, the concerned respondent is hereby directed to examine the grievance of the petitioner and redress the same by passing a speaking order within a period of two weeks from the date of receipt of petitioner’s application.

(P. B. Bajanthri, J)

GAURAV S./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	14.12.2021
Transmission Date	NA

