

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19915 of 2021

=====

Abhay Kumar Son of Yogendra Jha Resident of Village - Jandaha, P.S. - Jandaha, District- Vaishali, Presently residing at Ram Chandra Nagar, Dighi Kala, P.O. - Dighi East, P.S. - Hajipur Sadar, District- Vaishali, Bihar - 844101.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Additional Chief Secretary - cum- Principal Secretary, General Administration Department, Government of Bihar, Patna.
3. The Additional Chief Secretary - cum- Principal Secretary, Health Department, Government of Bihar, Patna.
4. Bihar Staff Selection Commission through its Secretary, Veterinary College, Patna - 800014.
5. The Chairman, Bihar Staff Selection Commission, Veterinary College, Patna - 800014.
6. The Secretary, Bihar Staff Selection Commission, Veterinary College, Patna - 800014.
7. The Controller of Examination, Bihar Staff Selection Commission, Veterinary College, Patna - 800014.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr. Kumar Kaushik, Advocate
For the Respondent/s	:	Mr. Lalit Kishore (Ag)
Fro the BSSC	:	Mr. Satyabir Bharti, Advocate

=====

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

Date : 16-12-2021

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

“i. For issuance of an order, direction or a writ of certiorari for quashing the result contained in memo No. 5404 dated 03.11.2021 issued by the Bihar Staff Selection Commission (hereinafter referred to as ‘the Commission’) whereby and where under only 29 candidates have declared successful against Advertisement No. 08010116 dated 06.05.2016 published for appointment against 276 vacancies



of Health & Sanitary Inspector wherein the petitioner has been excluded despite the fact that he had been successful in the written examination and has participated in the interview.

ii. For issuance of an order, direction or a writ of mandamus for directing the respondent Commission to declare the petitioner successful in the final result against the Advertisement No. 080101160 dated 06.05.2016, since the petitioner was successful in the written examination and had participated in the interview and is otherwise fully eligible to be selected and recommended against the post of Health & Sanitary Inspector, especially in view of the fact that only 29 candidates have found successful against 276 advertised vacancies.

Iii. For issuance of an order, direction or a writ of mandamus for directing the respondent authorities to consider the writ petitioner for appointment to the post of Health & Sanitary Inspector against Advertisement No. 08010116 dated 06.05.2016, since non inclusion of the petitioner from the final select list is a result of mala fide and arbitrary action of the respondent Commission.

iv. For issuance of an order, direction or an appropriate writ for staying the further selection process against the advertisement No. 08010116 published on 06.05.2016 during the pendency of the present writ application in as much as the writ petitioner who was otherwise qualified to be selected, has been conspicuously not mentioned in the list of candidates finally declared successful in the result dated 03.11.2021.”

First prayer is not maintainable for the reasons that the petitioner has not arrayed the persons whose names are reflected in the Memo No. 5404 dated 03.11.2021. Insofar as second prayer is concerned there is no demand before the competent authority so as to consider the grievance of the petitioner.

Accordingly, petition stands disposed off reserving liberty to the petitioner to either file a fresh petition while impleading such of those persons right are likely to be affected or make a necessary representation/application before the competent



authority to consider the second prayer. If such a representation is submitted, the competent authority is hereby directed to take a decision at the earliest.

With the above observation, writ petition stands disposed off.

(P. B. Bajanthri, J)

GAURAV S./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	20.12.2021
Transmission Date	NA

