

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9370 of 2020

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Jeetendra Kumar Arya Son of Chandrama Ram Arya Resident of Village-
Dubauliya, P.s.- Phulwariya, District- Gopalganj

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Health, Government of Bihar, Patna
2. The Principal Secretary, Department of Health, Government of Bihar, Patna
3. The Additional Secretary, Department of Health, Government of Bihar, Patna
4. Bihar Staff Selection Commission Patna through its Secretary
5. The Secretary, Bihar Staff Selection Commission, Patna
6. The Member-cum-Examination Controller, Bihar Staff Selection Commission, Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Arjun Kumar
For the Respondent/s : Mr.Lalit Kishore (Ag)

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL JUDGMENT
Date : 04-01-2022

The matter is heard via video conferencing due to
circumstances prevailing on account of the COVID-19 pandemic.

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

“(i) For issuance of writ in the nature of mandamus directing the respondents to consider the candidature of the petitioner as Schedule Caste and select him for the post of Operation Theatre Assistant (OT Assistant for the sake of brevity) adding the marks of academic qualification and experience with interview while publishing the result of the selection of the same under the Advertisement No. 04010115 published by Bihar Staff Selection Commission, Patna in which 37 posts were reserved for Schedule Caste candidates.



(ii) For the declaration that once the petitioner has been made successful and experience by way of attributing marks out of full marks 85 and further has been called for interview then the respondents cannot withdraw his earlier result and its publication on the ground that he has been awarded lesser marks than of the cut-off marks inspite of the fact that the petitioner has get more marks than the cut-off marks.

(iii) For the issuance of writ in the nature of mandamus directing the respondents to add the name of the petitioner in the list of select candidates for the post of OT Assistant as he is legally entitled for and consequently he may be given one post of the OT Assistant under the same Advertisement.

(iv) For any other relief or reliefs for which the petitioner is found entitled for.”

3. The grievance of the petitioner be examined by the competent authority and pass a speaking order as to whether petitioner is entitled to the relief sought in the present petition or not? Such exercise shall be undertaken by the concerned Respondent – Selecting Authority within a period of one month from the date of receipt of this order.

4. With the above observation, writ petition stands disposed off.

(P. B. Bajanthri, J)

GAURAV S./-

AFR/NAFR	
CAV DATE	
Uploading Date	07.01.2022
Transmission Date	

