

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.792 of 2021

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Anita Kumari wife of Jay Narayan Dubey resident of Village- Tulasi Nagar (Kamala Vihar) Satpokhariya, P.S.- Siwan, District- Siwan, At Present Anita Kumari C/o Bindeshwar Mandal, resident of Town- Sahgang Benta, P.S.- Laheriasarai, District- Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Department of Health Government of Bihar, Patna.
2. The Director General Health Services, Government of Bihar, Patna.
3. The Bihar Staff Selection Commission through its Secretary, Bihar, Patna.
4. The Secretary, Bihar Staff Selection Commission, Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vinay Kumar Mishra, Advocate
For the Respondent/s : Mr. Mujtabaul Haque, GP-12

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

Date : 17-01-2022

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

2. Petitioner's counsel to furnish copy of the petition to the State counsel.

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

“1. That this writ application is being filed against-result published by the respondent Bihar Staff selection Commission for the post of Laboratory Technician vide memo No. dated 29.05.2020 by which the petitioner having requisite qualification for the post from



recognized institution and already working as contractual employee i.e. laboratory Technician in the service of State Government due to passing of her examination from the recognized institution outside of the state of Bihar not been considered.”

4. Short question for consideration in the present petition is whether petitioner is entitled to be selected and appointed to the post of lab Technician or not?

5. Learned counsel for the petitioner submitted that present matter is squarely covered by a decision of this Court.

6. Even if the matter is covered by the earlier decision of this Court, if the third person’s right is affected, who is necessary and proper party to the present litigation, therefore, in the light of Apex Court’s decision rendered in the case of ***Ranjan Kumar & Ors Vs. State of Bihar & Ors.*** reported in ***(2014) 16 SCC 187*** (Para 4 to 13), the present petition stands disposed of reserving liberty to the petitioner to file fresh petition in accordance with law.

(P. B. Bajanthri, J)

rakhi/-

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CAV DATE	
Uploading Date	
Transmission Date	

