

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8786 of 2019

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Kumari Ranju Sinha W/o Sri Anil Kumar Resident of Village/Mohalla-
Balchand Bigha, P.O. and P.S.- Ben, Distt.- Nalanda

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Health Medical Education Department, Govt. of Bihar, Patna
2. Principal Secretary Health Medical Education Department, Govt. of Bihar, Patna
3. Bihar State Employees Selection Commission P.O.- Vertenary College, Patna
4. Secretary Employees Selection Commission P.O.- Vertenary College, Patna
5. Director Health Services, Bihar, Patna
6. Civil Surgeon cum Chief Medical Officer Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Anirudh Kumar Sinha, Advocate
For the Respondent/s	:	Mr. Ajay Bihari Sinha (GA-8)
		Ms. Kalpana, AC to GA-8
For Respondent Nos. 3 and 4	:	Mr. Rewti Kant Raman, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 11-09-2023 Heard the parties.

2. The present petition has been preferred for the following reliefs:

(a) to consider the case of the petitioner for selection award her 10 more points that is in all extra 25 points for past service rendered by her;

(b) it be held and declared that the action of the respondents in granting only 15 points instead of 25 points are illegal, arbitrary, capricious, whimsical and discriminatory;



(c) by an ad interim order respondents be commanded to grant 10 more extra points to the petitioner and result be published thereafter during the pendency of this writ application.

3. The petitioner is registered with the Bihar Nurses Registration Council, was interviewed and later appointed on contractual basis to the post of ANM (Auxiliary Nurse and Midwife) on 29.01.2009. Later, she was transferred from Nawada to Govindpur Center where she was working to the satisfaction of the authorities.

4. In the year 2016, an advertisement came out for regular appointment of ANM in which it was mentioned that for five years experience, 25 weightage points (5 points for each year) will be allotted.

5. Accordingly, she submitted her application but was surprised to see that for five years experience, she was allotted only 15 points instead of 25 points which led her disqualification.

6. The case of the respondent nos. 3 and 4, the Bihar State Staff Selection Commission (henceforth for short, 'the Commission') is that the letter no. and date of the Medical Officer In-charge of Primary Health Center, Govindpur (Nawada) was missing in the certificate issued which resulted



into denial of additional 10 points to the petitioner.

7. With the help of paragraph 11, learned Counsel for 'the Commission' submits that the cut off marks for Backward Class has been 58.96.

8. Learned Counsel for the petitioner submits that she was granted 50.55 marks and if the 10 points would have been added, she would have crossed the cut off marks i.e. 58.96 which was denied only on technical issue. He has further taken this Court to a letter of the Health Department dated 21.05.2016 addressed to 'the Commission' and brought on record by the Commission itself as Annexure-D wherein, it has been incorporated that in case, any objection comes, the same will be taken into account. He as such submits that in that background, the lady has a case.

9. Though, learned Counsel for 'the Commission', Mr. Rewati Kant Raman initially submitted that in absence of the letter no. and date (Annexure-C) issued by the Medical Officer, In-charge Primary Health Center, Govindpur, she was denied 10 marks, having pointed out Annexure-D, the letter of the Health Department, he concedes that in case of any objection, the same has to be considered.

10. He further concedes that she had already



submitted her representation on 19.11.2018 itself (Annexure-10 to the petition) which was not considered and/or communicated.

11. Taking into account the facts on record, the categorical submission of the petitioner that she served from 2009-2016 which entitles her to 25 points and will take her to 60.55 marks, due to the fault on behalf of the Medical Officer, Primary Health Center, Govindpur (Nawada), the 10 points were denied. Further, she duly represented in time, her case be considered.

12. This Court taking into account the fact that she got 50.55 marks and if her claim is correct and she was serving till 2016 at Primary Health Center, Govindpur (Nawada), upon verification, such facts could have been easily ascertained, adding 10 points will take her 60.55 marks, deems it appropriate that the respondents give a re-look to this case.

13. Learned Counsel for the petitioner is directed to file a fresh representation attaching the earlier representation dated 19.11.2018 which was duly received by 'the Commission' (Annexure-10) within a period of four weeks from today alongwith all the supporting documents.

14. If such representation supported by all the



documents is filed and/or the representation dated 19.11.2018 Annexure-10 is still pending, the concerned respondent, the Bihar State Staff Selection Commission shall get the facts ascertained from the said Medical Centre, if still not done and take necessary decision within a period of three months from the filing of the representation.

15. The writ petition stands disposed of with the aforesaid observation.

(Rajiv Roy, J)

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