

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3752 of 2020

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Geeta Kumari, Wife of Umesh Prasad, Resident of Village- Rupanchhap, Post
Office- Rupanchhap, Police Station- Barauli, District- Gopalganj.

... .. Petitioner/s

Versus

1. The Chairman Staff Selection Commission Veterinary College, Patna, Bihar.
2. The Secretary Staff Selection Commission, Veterinary College, Patna, Bihar.
3. The State of Bihar through Principal Secretary, Health Department,
Government of Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Subhash Kumar, Advocate
For the State	:	Mr. Ravi Kumar, AC to GP-13
For the BSSC	:	Mr. Bikash Tiwary, Advocate

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL JUDGMENT

Date : 05-01-2024

Heard learned counsel for the petitioner, learned
counsel for the State and learned counsel for the Bihar Staff
Selection Commission.

2. Learned counsel for the petitioner submits that the
present writ petition has been filed for quashing Memo No.
1557 dated 03.07.2019 whereby and whereunder candidature of
petitioner for her selection on the post of A.N.M. was cancelled
due to start mark (*) was given to her bearing roll No.
31619737.

3. Learned counsel for the petitioner further submits
that the petitioner appeared in the counseling-cum-interview for
the post of A.N.M. on 21.01.2017 in pursuance to advertisement



No.0310216 having Roll No.31619737. Vide Memo No.1557 dated 03.07.2019, the name of 6480 candidates recommended who have been declared successful but among them 32 successful candidates were given the start mark (*) while 25 candidates were given (#) and their recommendation was kept pending due to alleged violation of Clause 2 of the advertisement and candidature of 32 candidates who were given start mark (*) had been cancelled.

4. Learned counsel submits that a supplementary counter affidavit has been filed, annexing Letter No.3777 dated 06th of June, 2017 issued by the Sr. Superintendent of Police, Patna to the Chairman, Bihar Staff Selection Commission, Patna, as Annexure - R/3 recommending impartial enquiry against 62 candidates whose roll numbers were found in the mobile phone of the then Secretary who was an accused in a criminal case lodged under the Prevention of Corruption Act, 1988. He further submits that Clause 2 of the advertisement was very clear that those candidates who will make *pairvi* whose name shall not be recommended for selection.

5. Learned counsel for the SSC submits that the Roll Number of the petitioner was found in the mobile phone of the accused of this case and, therefore, the examiner has decided



that there is a gross violation of Clause 2 of the advertisement and as such, the petitioner was not selected.

6. In response thereto, learned counsel for the petitioner submits that from the document produced by the Bihar Staff Selection Commission, it itself appears that there were 62 roll numbers identified in the mobile phone of the accused but out of 62, the action has been taken against only 32 for which no reason has been assigned by the Bihar Staff Selection Commission.

7. Upon hearing the parties, this Court has put specific questions upon the counsel for the Bihar Staff Selection Commission that under what circumstances, the names of 32 persons have been stopped when a total 62 persons have been identified in the mobile phone of the accused.

8. In further response, the learned counsel for the Bihar Staff Selection Commission submits that with a view to answering this question, he needs further time to verify from the Commission in this regard.

9. Since the present matter has been pending before this Court since 2020, therefore, this Court is of the opinion that keeping pending this case further shall be an injustice to the petitioner. As such, this Court directs the petitioner to file a



representation before respondent No.1, namely, the Chairman, Bihar Staff Selection Commission, who shall pass a reasoned and speaking order stipulating therein that under what circumstances, the result of 32 roll numbers has been stopped while 62 roll numbers were found in the mobile phone of the accused. In the event, that the petitioner does not declare successful, as that of other persons whose names are there in the list of 62 roll numbers but whose roll numbers were figured in the list of successful candidates, the Bihar Staff Selection Commission shall pass a reasoned and speaking order in this matter. All the exercises shall be completed by the Bihar Staff Selection Commission within three months from the date of production of a copy of this order.

10. With this observation and direction, the writ petition stands disposed of.

(Dr. Anshuman, J)

Ashwini/-

AFR/NAFR	
CAV DATE	NA
Uploading Date	10/01/2024
Transmission Date	NA

