

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4352 of 2022

1. Umesh Kumar Jha Son of Sri Shailendra Jha presently working at Additional Primary Health Centre Maheshkhunt under District TB Centre Khagaria resident of Village and Post Finglash Chakla P.S. Raghapur District - Supaul.
2. Manoranjan Pandit Son of Ram Brich Pandit presently working as Laboratory Technician, Primary Health Centre Parbatta under District TB Centre Khagaria resident of Village Navdiha P.S. Poraiyahat District Godda under Jharkhand.
3. Bharti Poddar Wife of Sanjay Poddar presently working as Laboratory Technician, District Tuberculosis Centre Khagaria resident of Mohalla Shivpuri P.S. and District - Saharsa.
4. Vijay Kumar Gautam Son of Ramtahal Das presently working as Laboratory Technician, Primary Health Centre Beldaur under District TB Centre Khagaria resident of Village Parmalpur, P.O and P.S. Bhagwanpur District - Kaimur (Bhabhua).
5. Sanjay Kumar Son of Gulab Mahto presently working as Laboratory Technician, (ICTC) Primary Health Centre Chautham District Khagaria resident of Mirganj, GD College, Main Gate Gali, Radha X-Ray Begusarai, District - Begusarai.
6. Prabhat Ranjan Son of Rakesh Kumar Raman presently working as Laboratory Technician, office of the communicable disease officer Khagaria resident of Village Adawari P.O. Keshavnagar (Pipra) P.S. Chautham, District - Khagaria.
7. Sanjay Kumar Sinha Son of Ramchandra Singh, presently working as Laboratory Technician, Primary Health Centre Chautham under T.B Centre Khagaria resident of Village Karbigha P.S. Fatuha District - Patna.
8. Ujay Kumar Son of Yugesh Prasad presently working as Laboratory Technician, Primary Health Centre Gogri under District Tuberculosis Centre Khagaria, resident of Village Gauchhari P.O. Gopalpur P.S. Maheshkhunt District - Khagaria.
9. Pramod Kumar Son of Kameshwar Mochi presently working as Laboratory Technician, Primary Health Centre Baldaur under District Khagaria resident of Village Mahmadpur Raghunathpur, P.O. Nagdah District - Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary Bihar.
2. The Principal Secretary department of Health and Family Welfare Bihar.
3. Director-in-Chief Health Services Govt. of Bihar Patna.
4. Bihar Staff Selection Commission through its Chairman office at Bihar Veterinary College PO BV College Patna.
5. Chairman Staff Selection Commission office at Bihar Veterinary College P.O. BV College Patna.



6. Secretary, Staff Selection Commission office at Bihar Veterinary College
P.O. BV College Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Diwakar Prasad Singh, Advocate
For the Respondent/s : Mr.Birju Prasad (Gp13)
Mr.Akshay Lal Prasad, AC to GP-13
Mr.Ajit Anand, AC to GP-13
For BSSC : Ms.Divya Verma, Advocate

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

- 2 23-01-2024 1. The present writ petition has been filed seeking the
following relief(s):-

“1. That the petitioners are Corona warriors working as Lab Technician or other equivalent post on contract basis on Sanctioned Post under State of Bihar & its ancillary branch on fixed emoluments. While advancement of Primary education & betterment of public Health is Constitutional directives for the Government as such Bihar Staff Selection Commission published advertisement for regular appointment on the post of Lab Technician on 21.06.15 & the Petitioners who are working on Contractual basis since 2006 having experience of almost 14-15 Years were tried to ousted from the zone of consideration for Regular appointment as Lab Technician, although were allowed to Participate in Counseling. Thus series of writ applications & intervention Applications were filed in CWJC No.6761 of 2020 (Sudisht Kumar Mahto Vs The State of Bihar & ors) which was decided by this



Hon'ble Court by Judgment dated 03.03.21 by which merit list published by the Bihar Staff Selection Commission in which the Petitioner's & other Candidates who are working as Lab Technician under Various Government Hospitals were excluded was quashed by Judgment dated 03.03.21 by this Hon'ble Court presided over by Hon'ble Mr. Justice Anil Kumar Upadhyay & the State of Bihar & Bihar Staff Selection Commission was directed to redraw a select List Including the Petitioners (in CWJC No.6761 of 2020) & like Candidate who are working as Lab Technician in the various Hospital to State of Bihar. Bihar Staff Selection Commission had preferred LPA No.374 of 2021 which didn't cut much ice but this Hon'ble Court presided over by Hon'ble the Chief Justice & Hon'ble Mr. Justice S Kumar directed the authority to make compliance of Judgment rendered by this Hon'ble Court. As such the present application is being filed for the reliefs specifically prayed in paragraph below:

(i) That for issuance of appropriate writ, order or direction commanding the respondents to appoint the petitioner on the Post of Lab Technician by redrawing the select list of 1772 instead 1160 in pursuance to vacancy published by Memo No. 1910 dated 21.06.15.

(ii) That for Issuance of appropriate writ, order or direction of writ in the nature of



mandamus commanding the respondent Bihar Staff Selection Commission, to Grant weightage to the Petitioners on the basis of their experience as Lab Technician in terms of Notifications published in 2005 & 2019 & issue appointment letter to the petitioners since the petitioner's are more qualified & experienced than others.

(iii) That for issuance of appropriate writ, order or direction of writ in the nature of mandamus declaring entitlement of Selection of the petitioner on the basis of merit giving the facts that the Case of the Petitioners is identical to CWJC No.6761 of 2020 (Sudisht Kumar Mahto Vs The State of Bihar & others). ”

2. The learned counsel for the petitioners seeks not to press the present writ petition, however, seeks liberty on behalf of the petitioners to approach the respondent-authorities for redressal of their subsisting grievances, if any. Liberty so sought is granted.

3. The present writ petition stands dismissed as not pressed.

(Mohit Kumar Shah, J)

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