

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9219 of 2019

=====

Suman Kumari D/o Tulsi Prasad Resident of Mohalla-Khemani Chak, P.S-
Ram Krishna Nagar, District-Patna.

... .. Petitioner/s

Versus

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

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Dr. Anand Kumar
For the Respondent/s : Mr.Ramadhar Singh (Gp25)

=====

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

4 19-06-2024 Heard learned counsel for the petitioner, Counsel for
the State and Counsel for the BSSC.

2. The present writ petition has been filed for directing the respondents to consider the case of the selection of the petitioner who is belonging to the category of BBC, on the post of ANM (Auxiliary Mid Wife), who has successfully qualified the written test as well as the interview.

3. Learned counsel for the petitioner submits that after going through the advertisement, the petitioner has filled up the form, but inadvertently, the reservation category which she belong i.e. E.B.C could not be filled up, and instead thereof, BC category has been filled up. He further submits that B.S.S.C. has published further advertisement on 04.07.2018 in which it has



been categorically indicated that if any wrong information has been filed then the provision for rectification has been made in the said advertisement, and accordingly, as soon as the petitioner received the opportunity to correct the error in the application form, she has rectified the error which has been annexed as Annexure-7 of the rejoinder to the counter affidavit. Counsel further submits that when final list has come, the petitioner has been shown as qualified candidate under E.B.C category. Counsel submits that the petitioner is not claiming the wrong reservation. She belongs to E.B.C. category and under E.B.C. category she need her qualification.

4. Counsel for the B.S.S.C., on the other hand submits that in the original application form which is annexure-R/1 for the ANM under female category, it has been categorically mentioned in Clause III of the reservation category that in the original application form the reservation category cannot be changed in any circumstance and if the reservation category is changed then the candidate shall be treated under unreserved category.

5. Counsel further submits that in the original application form, the petitioner has admittedly filled up her reservation category under BC category and not under E.B.C.



category. Counsel for the BSSC further submits that Annexure-6 and Annexure- 7 to the counter affidavit shall also not be placed with bonafide intention. Counsel submits that the said notice was made to verify the entries made by the commission that whether at the time of making data entry by the staff of the commission, if any wrong entry has been made then the candidate who filled up the form may indicate that what he/she has filled up in the original form and what has been filed up by the commission are different and for this special purpose, the said notice has come on 04.07.2018. By virtue of the said notice the petitioner wants to take benefit which is not permissible to the petitioner in the light of the advertisement under Clause III of the reservation category, as such, the petitioner is not entitled for the relief.

6. In the light of the submissions made by the parties, it transpires to this Court that the petitioner has filled up the form under B.C. category whereas she possess the certificate of E.B.C. category, therefore, in the opinion of this Court, the commission has taken correct stand in the light of the guidelines made in the main advertisement under Clause III of the reservation category, and hence, this Court is of the firm view that petitioner has no case and BSSC has taken correct stand



regarding this matter.

7. Accordingly, this writ petition stands dismissed.

(Dr. Anshuman, J)

Sunnykr/-

U			
---	--	--	--

