

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16735 of 2021

Dr. Bhuwaneshwari Sinha Wife of Mr. Dinesh Prasad Sinha At present Resident of Flat No. 202, Rameshwaram Apartment, New Bank Mens Colony, East Chitragupt Nagar, P.S.- Agamkuan, District- Patna- 20.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Health, Medical Education and Family Welfare, Government of Bihar, Patna.
2. The Principal Secretary, Department of Health, Medical Education and Family Welfare, Government of Bihar, Patna.
3. The Additional Secretary, Department of Health, Government of Bihar, Patna.
4. The Officer on Special Duty, Department of Health, Government of Bihar, Patna.
5. The Director-in-Chief, Health Services, Government of Bihar, Patna.
6. The Bihar Combined Entrance Competitive Examination Board, Patna.
7. The Chairman, the Bihar Combined Entrance Competitive Examination Board, Patna.
8. The Nodal Officer, the Bihar Combined Entrance Competitive Examination Board, Patna.
9. The Examination Controller, the Bihar Combined Entrance Competitive Examination Board, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Satish Chandra Mishra, Advocate
For the State	:	Mr.S.D. Yadav (Aag9)
		Mr. Braj Bhushan Mishra, AC to AAG-9
For BCECEB	:	Mr. Prasoon Sinha, advocate

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 24-04-2024 The present writ petition has been filed
seeking the following relief:-

*"(1)(i) For issuance of appropriate
order/orders, direction/directions
commanding the concerned Respondents to
amend the impugned Merit List dated*



20.08.2021 (Annexure-1) prepared and issued by the BCECEB, Patna for appointment in pursuance of Advertisement No.BCECEB, Patna/2021/01 dated 04.06.2021 on the tenure posts (three years) of Senior Resident/Tutor under the Department of Health, Government of Bihar by eliminating the name of those candidates, who are not eligible to be included in the merit list as they have already been doing or have done Senior Residency/Tutorship from Medical Colleges or had joined Residency/Tutorship earlier and left the same in midway and after such amendment a fresh merit-list be directed to be prepared for their appointment and accordingly the name of the petitioner directed to be included in the merit list by giving her chance to join the post of Senior Resident in the Government Medical Colleges & Hospital without any delay

Or

In case the aforesaid amendment is said to be not possible then the Merit list be quashed and a fresh merit list be directed to be prepared and issued by including the name of the petitioner with all consequential benefits on the said post of Senior Resident/Tutor in the Department of Obstetrics & Gynecology as many candidates



have been included in the merit list, who have been doing Senior Residency/ Tutorship or have left the said post in the midway and have wrongly informed the authorities through their respective affidavits with false statements that they have not ever been joined/posted as Senior Resident/Tutor in any Medical College & Hospital as it is against the rules that no candidate will be eligible to be selected who has either done or is doing or joined earlier and left the post in the midway of his Senior Residency/Tutorship.

(ii) In view of the aforesaid reliefs the list dated 20.08.2021 holding the candidates to be not eligible/absent candidates be quashed so far as the petitioner is concerned by wrongly making remarks as she is not ignoring the fact that she submitted her affidavit as asked by the BCECEB regarding her senior residency in the Department of Obstetrics & Gynecology as she has been posted in the ESIC Hospital, Bihta Patna on the post of Senior Resident since 13.02.2019 to 12.09.2020, which was not then a Medical College Hospital and accordingly she is eligible for her appointment in Government Medical College and Hospital in the State of Bihar."



2. After some arguments, the learned counsel for the petitioner seeks not to press the present writ petition, however, seeks liberty on behalf of the petitioner to approach the respondent-authorities for redressal of his aforesaid grievances. Liberty, so sought, is granted.

3. The writ petition stands dismissed as not pressed.

(Mohit Kumar Shah, J)

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