

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13772 of 2024

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Sunny Hexla, Daughter of Sanjay Kumar, Resident of Village- Rasisa, P.O.-
Rasisa, P.S.- Aungari, District- Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Health Department, Bihar, Patna.
2. The Director in Chief, Health Services, Bihar, Patna.
3. The Deputy Secretary, Health Department, Bihar, Patna.
4. The Bihar Technical Service Commission, through its Chairman, 19 Harding Road, Patna.
5. The Secretary, Bihar Technical Service Commission, 19 Harding Road, Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Jainendra Kumar Pushkar, Advocate
For the Respondent/s	:	Mr.Advocate General
For the BTSC	:	Mr.Nikesh Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

2 20-09-2024 The petitioner has filed the instant writ petition, praying for issuance of writ in the nature of mandamus, commanding the respondents to consider her case to issue appointment letter appointing her to the post of Nursing Tutor w.e.f. 14th of August, 2023.

2. Indisputably, the petitioner appeared in the selection test of Nursing Tutor. She was selected in the said test and became qualified for appointment as Nursing Tutor. However, on the allegation made by some third party that while



working as Community Health Officer, she obtained the degree of Nursing and then applied for Nursing Tutor. Therefore, she is not entitled for appointment in the post of Nursing Tutor.

3. The petitioner submitted a representation vide Annexure-3, supported by an affidavit, on 18th of August, 2023, stating, *inter alia*, that she was never posted in any government employment prior to her appointment as Nursing Tutor. The concerned authority has not considered the said representation as yet.

4. Therefore, the Respondent Nos. 4 and 5 are directed to examine the representation (Annexure 3) of the petitioner with the government record to come to a specific decision as to whether the petitioner was employed as Community Health Officer at any point of time before her selection as Nursing Tutor. If it is found by the respondents that she was not appointed in any government employment as Community Health Officer, she is entitled to be appointed.

5. Such decision shall be taken by the Respondent Nos. 4 and 5 within four weeks from the date of communication of this order and the same shall be communicated to the petitioner.

6. With the above order, the instant writ petition is



disposed of.

(Bibek Chaudhuri, J)

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