

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8837 of 2018

Raj Kumar Das Son of Shambhu Das, Resident of Village- Aliganj, P.S.-
Banka, District- Banka.

... .. Petitioner/s

Versus

1. The Bihar Staff Selection Commission, P.O. Veterinary College, Patna through the Secretary.
2. The Secretary, The Bihar Staff Selection Commission, P.O. Veterinary College, Patna.
3. The Chairman, The Bihar Staff Selection Commission, P.O. Veterinary College, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Anita Kumari, Advocate
For the Respondent/s	:	Mr. Lalit Kishore, Advocate
For the BSSC	:	Mr. Satyabir Bharti, Advocate
		Ms. Kanupriya, Advocate

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

4 15-07-2024 Heard learned counsel for the petitioner and learned
counsel for the Bihar Staff Selection Commission.

2. Learned counsel for the petitioner has filed the writ
petition with the following relief(s):

“(i) For issuance of an appropriate writ in the nature
of MANDAMUS, commanding and directing the Respondent
Authorities to produce on record their decision for which they
have rejected the candidature of the petitioner for appointment
against the post of X-Ray Technician and on production of the
objection of Respondents is that since the petitioner has not
passed his Intermediate Examination in Physics, Chemistry,
Biology and English, therefore, he is not eligible for
appointment, it may be quashed by issuance of an appropriate
writ in the nature of CERTIORARI on the ground that in the
advertisement, the qualification prescribed for a X-Ray



Technician is 10+2 with Science stream and Diploma in X-Ray Technician in Medical Radiography from any recognized Institution.

(ii) For issuance of an appropriate writ in the nature of MANDAMUS, commanding and directing the Respondent Authorities to recommend the petitioner for appointment against the post of X-Ray Technician in the Department of Health pursuant to Advertisement No. 03010115 dated 12.02.2016 on the ground that the petitioner does satisfy the eligibility clause as mentioned in the advertisement for appointment as a X-Ray Technician and therefore, rejection of his candidature is totally illegal and unwarranted.

3. Learned counsel for the petitioner submits that in the advertisement which is Annexure-1 of the writ petition, the qualification was mentioned as 10+2, but the Petitioner possesses the said qualification even then, he has not been considered and his candidature has been cancelled. Counsel further submits that Annexure-P/5 is the representation in which it has been categorically stated that in intermediate, there was English also in the said advertisement. He further submits that the petitioner possesses the degree of 10+2 from science stream, but even then his candidature has not been considered at all.

4. Counsel for the Commission submits that the



advertisement on which petitioner relied, is not the true copy of the advertisement rather the original copy of the advertisement issued by Bihar Staff Selection Commission is attached as Annexure-A of the writ petition. He submits that the basic qualification has been added at page 10 of the counter affidavit. In addition to his arguments, he also submits that the form has been attached in the Annexure-B of the writ petition where it is indicated that he is not found suitable. He further submits that even for the sake of petitioner's candidature is taken into consideration, he had also obtained only 26.42 marks which is less than qualifying marks of 27.20 for SC/ST category and due to this reason, he was not called for interview and his candidature has been rejected by the Commission.

5. In the light of the submissions made, this Court is of the view that the petitioner's candidature has been cancelled due to the reason that he could not attain the qualifying marks, and hence, this writ petition stands dismissed.

(Dr. Anshuman, J.)

Prakashmani/-
Saurabh/-

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