

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14027 of 2019

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Manorma W/o Braj Bhushan Pandey Resident of Mohalla Chanakya Vihar
Colony,Brahampur,Jaganpura, PS Ram Krishna Nagar,Dist.patna

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department of Health, Bihar, Patna
2. The Director In-Chief, Department of Health, Bihar, Patna
3. Bihar Staff Selection Commission,Bihar,Patna through its Secretary, Bihar, Patna
4. The Chairman, Bihar Staff Selection Commission, Bihar, Patna
5. The Civil Surgeon cum-Chief Medical Officer, Cum-Member Secretary, Dist. Health Society, Patna

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 14414 of 2019

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1. Renu Kumari Wife of Mani Kumar Mishra, Resident of Mohalla - Gobar Shahi @ Gobardhanpur, P.S.- Sadar, District- Muzaffarpur.
 2. Suman Kumar, Wife of Umesh Singh, Resident of Mohalla - Chintamanpur Babu Tola, P.s.- Pipara, District- East Champaran.
 3. Neelam Kumari, Wife of Madan Kumar, Resident of Mohalla - Dighwara, P.S.- Dighwara, District- Saran.
 4. Fultana Devi @ Fultma Kumari, Wife of Achelal Ram, Resident of Itawah, P.S.- Rajpur, District- Buxar.

... .. Petitioner/s

Versus

1. The State of Bihar Through Principal Secretary, Department of health, Bihar, Patna.
2. The Director in-Chief, Department of Health, Bihar, Patna.
3. Bihar Staff Selection Commission, Bihar, Patna through its Secretary, Bihar, Patna.
4. The Chairman, Bihar Staff Selection Commission, Bihar, Patna.

... .. Respondent/s

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Appearance :

(In Civil Writ Jurisdiction Case No. 14027 of 2019)

For the Petitioner/s	:	Mr. Sanjeev Kumar, Adv.
		Mr. Satish Kumar, Adv.
For the Respondent/s	:	Mr. S.D.Yadav, AAG-9



For the Commission : Mr. Braj Bhushan Mishra, AC to AAG-9
(In Civil Writ Jurisdiction Case No. 14414 of 2019) Md. Aslam Ansari, Adv.
For the Petitioner/s : Mr. Vijay Kumar Singh, Adv.
Mr. Abhinav Shandilya, Adv.
For the Respondent/s : Mr. Rajeshwar Singh, GA-10
Mr. Jitendra Kumar, AC to GA-10

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT
Date : 24-02-2025

Heard the parties.

2. Considering the identical nature of grievance raised in both the writ petitions, with the consent of the parties, they are being heard together and disposed off by this common order.

3. The petitioners, aggrieved with the order passed by the Secretary, Bihar Staff Selection Commission wherein against the Advertisement No. 03010216, candidature of 32 candidates with (*) mark and 25 candidates with (#) mark stood cancelled. The impugned order further declared that the candidature of those candidates with (*) mark has been cancelled for violating the terms of Clause (ii) of the advertisement and further directed that the candidates with (#) mark will be present with all their certificates in the Commission Office and after verification, the candidature of such candidates will be decided.

4. It is the admitted fact that the petitioners have applied for the post of ANM in terms of Advertisement No.



03010216 published by the Bihar Staff Selection Commission (hereinafter referred to as the “Commission”) and on being found eligible, the petitioners were called upon to participate in the interview held by the Commission.

5. Pursuant thereto, the petitioners appeared along with all the certificates, including the experience certificate, required in terms of the advertisement. After the finalization of interview process, the respondent Commission published the list of the recommended candidates for the post of ANM. The list, aforementioned, clearly demonstrates the petitioners to be successful candidates and their names appeared in the list of recommended candidates. However, at the bottom of the list, in the noting part it was mentioned that against the roll number containing (*) mark, the result has been withheld due to SIT case.

6. Learned Advocate for the petitioner contended that the matter was enquired and it transpired that the investigation with respect to Vigilance P.S. Case No. 44 of 2017 has been commenced on account of discovery of the name of various candidates in the mobile of the Secretary of the Commission, which led to submission of the charge-sheet bearing no. 46/2017 on 03.05.2017. The charge-sheet brought on record reflects that it has been submitted against 40 named accused persons, but the



names of both the petitioners did not find figure therein, nor the petitioners were made accused subsequent thereto.

7. Referring to the averments made in the writ petition, it is further contended that identical issue had come up for consideration before this Court in CWJC No. 24228 of 2018, which came to be allowed with a direction to the respondent Commission to consider the candidature of the petitioners and after verification, recommendation of the said Saroj Kumari, was made by the Commission leading to her appointment. In the aforesaid premise, learned Advocate thus contended that the claim of the petitioners are exactly identical to that of Saroj Kumari, whose case was disposed off by a Bench of this Court in CWJC No. 24228 of 2018. The ends of justice would be met, if the case of the petitioners be also disposed off in the identical terms with the identical direction.

8. Learned Advocate for the Staff Selection Commission as well as the State drawing the attention of this Court to Annexure-C to the counter affidavit has contended that there was a clear stipulation that in case the candidates are found involved in influencing the authorities or giving false information, their candidature may be cancelled. It is further contended that the names of the petitioners have also been



shown along with other candidates, whose roll numbers were found in the mobile of the Secretary of the Commission and, as such, their complicity in influencing the authority concerned cannot be denied.

9. Having considered the submissions advanced on behalf of the learned Advocate for the respective parties and taking note of the stand of the commission, which did not specifically controvert the submission of the petitioners that there is no SIT case pending against the petitioners, this Court in an identical case in CWJC No. 1832 of 2020 has been pleased to direct the respondent nos. 3 and 4 to consider the candidature of the petitioners in similar terms of the order of this Court dated 06.08.2019 passed in CWJC No. 24228 of 2018.

10. On being found the identical grievance based on identical facts, this writ petition also stands disposed off with similar direction, as noted hereinabove. If the cases of the petitioners also find identical to that of Saroj Kumari, whose name has been recommended for appointment, similar treatment must be accorded to the petitioners also.

11. The entire exercise must be completed preferably within a period of twelve weeks', from the date of receipt/production of a copy of this order.



12. Both the writ petitions stand allowed with the
aforesaid observation and direction.

(Harish Kumar, J)

shivank/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	27.02.2025
Transmission Date	NA

