

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5406 of 2017

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1. Sanjeev Kumar and Anr Son of Narendra Kumar R/o Village - Chanaina, P.O. - Alinagar, P.S. - Surajgarha, District - Lakhisarai.
 2. Rajiv Ranjan Kumar Son of Sri Premchand Lal Resident of C/o Moriyawan, P.O. - Hazratsain, P.S. - Dhanarua, District – Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Principal Secretary General Administration Department, Govt. of Bihar, Patna.
3. The Director in Chief Health Services Govt. of Bihar.
4. The Chairman Bihar Staff Selection Commission, Veterinary College, Sheikhpura, Patna.
5. Secretary, Bihar Staff Selection Commission Veterinary College, Sheikhpura, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Mithilesh Kumar Upadhyay
For the Respondent/s : Mr.Pankaj Kumar- Sc12

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL JUDGMENT

Date : 11-07-2025

Heard Learned Counsel for the petitioners and
Learned Counsel for the State.

2. Learned Counsel for the petitioners submits that the
present writ petition has been filed with the following reliefs:-

*(i) That this writ application is being
filed for direction to the respondent no.4 and 5 to
adopt uniform method and to follow the
guidelines / directions of the state government
while conducting the selection process of
Advertisement dated 21.06.2015 for the post of*



laboratory Technicians and others non gazette post under Health Department and further respondents may be directed to fix minimum qualifying marks as has been done in the appointment of E.C.G. technicians which is similar as both belongs to same group and for any other order / orders may be passed in the facts and circumstances of the case.

3. Counsel for the petitioners further submits that the the petitioners are working as Lab Technicians Assistant in different Govt. Hospital of Bihar for the Last 9 years. In the year 2015, an advertisement bearing Advertisement no. 05010115 dated 21.06.2015 was loaded on the website of the respondent B.S.S.C. Patna for filling up 1772 vacancies of Lab Technicians Assistant on regular basis. He further submits that in view of the advertisement, merit list was prepared on the basis of marks obtained in educational, Higher Technical qualification and experience. He further submits that in view of aforesaid advertisement, applications were invited from suitable candidates and having found the application submitted by the petitioners as per requirement, admit card/invitation letters were sent to the petitioners for appearing in counseling. He further submits that the petitioners appeared for counseling on respective dates and submitted papers of their academic



qualification and experience certificate and subsequently, qualifying marks have been fixed and it has been stated that qualifying marks shall be calculated separately from education background *i.e.*, for general 40% out of 85 *i.e.*, 34 and from interview 40% out of 15 *i.e.*, 6 marks whereas in the case of ECG technicians, it has been fixed 40% out of 100 *i.e.*, 40.

4. Counsel further submits that the State Government has already amended Clause-7 of the Circular dated 16.07.2007. In pursuant to recommendation of Principal Secretary dated 14.07.2015, which was done only to avoid favouritism while conducting interview. He further submits that vide letter No.574(4) dated 02.06.2016 has again directed respondent No.4 and 5 to adopt the orders of government and implement the same. He further submits that the BSSC has completed the process of selection of ECG technician and minimum qualifying marks has been fixed on the basis of aggregate marks in written and interview both not on the basis of separate qualifying marks in both written and interview. He further submits that the Commission cannot be allowed to discriminate amongst same class of persons and cannot adopt different yardstick only with motive to dictate the terms and therefore, under RTI, information was obtained that the Commission is trying to take



control over the selection process only to adjust some of their favourities and that is why, they are adment to adopt the policy which is not fair and the same in also contrary to directions of the State government.

5. Counsel further submits that due to action of the respondents, the petitioners who were working since 9 years with Health Department are almost average and hence due to illegal act of respondent BSSC, they are apprehensive that they will be ousted inspite of having requisite qualification by BSSC and due to this reason, the present writ petition has been filed by the petitioners.

6. Counsel for the State on the other hand submits that in the year 2014, the Bihar Government has issued a rule, namely, Bihar Lab Technician Cadre Rule, 2014 and notified by the Health Department Government of Bihar vide notification No.142(4) dated 13.02.2014.

7. Counsel further submits that selection procedure and allotment of marks in different heads during preparation of merit list has already been prescribed in Rule 7(2) of the Rules. It is stated that in Rule 20 of the Rules, it has been prescribed that for any difficulties arises in implementation of provision of the Rules, the department shall have powers to remove such



difficulty.

8. Counsel further submits that by the Health Department, the provision of separate qualifying marks of the aforesaid resolution has been amended by the General Administration Department for the post of GNM, ANM, O.T., Assistant, Lab Technician, X-ray Technician, ECG Technician and Dresser only for one time vide resolution dated 17.08.2015. The amended resolution of General Administrative Department, a letter contained in Letter No.547(4) dated 02.06.2016 has already been issued by the Health Department. It has been further mentioned by the State that the selection process has already been started by publishing an advertisement for appointment on Lab Technicians and other posts by the BSSC in which the department has already clarified the issued by letter contained in Annexure-D to follow the provisions of amendment of General Administration Department. The candidature and validity of Educational/Technical qualification as well as preparation of merit panel and other candidates will have to be executed by the BSSC in accordance with law.

9. In the light of the submissions made and annexures attached by the respondent in the counter-affidavit, it transpires



to this Court that the petitioners have no case at all, and hence,
the present writ application stands dismissed as infructuous.

(Dr. Anshuman, J.)

prakashmani/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	
Transmission Date	N/A

