

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7275 of 2015

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1. Chandramouli Kumar S/o Late Ram Sharan Singh, R/o Vill. & P.O. Bhadru, P.S. - Nagar Nousa, District - Nalanda.
 2. Dharmendra Sharma, S/o Sri Ramanand Sharma, R/o Vill. - Mania, P.O. - Manjhgay, P>S. - Sangrampur, District - Munger.
 3. Khagesh Kumar, S/o Sri Jagoshwar Yadav, P.O. Dudhaila, P.S. - Sonbarsa Kacheri, District - Saharsa.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Chief Secretary, Government of Bihar, Patna.
3. The Principal Secretary, General Administrative Department, Bihar, Patna.
4. The Principal Secretary, Department of Agriculture, Bihar, Patna.
5. The Bihar Staff Selection Commission, Bihar, Patna.
6. The Secretary, Bihar Staff Selection Commission, Bihar, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rikesh Sinha
For the Respondent/s : Mr. P.K. SINGH - SC12

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 22-05-2015

22.05.2015

Heard learned counsel for the parties.

The parity which the petitioners are looking for in relaxation of age as well as prayer for quashing the advertisement is based on a misplaced understanding of things.

The advertisement does talk in terms of relaxation in age over and above what has been fixed by the General Administration Department, limited to such Coordinators, who were working on contract basis with the respondents. There is a nexus and object to be

achieved in providing such a concession, because such persons worked or are working in that capacity under the State and it will be unfair that they be disassociated and not given an opportunity to participate in the selection process, merely because they have become over age in the meantime.

The contention of the counsel for the petitioner that such a clause giving concession to people working on contract, violates Article 14 and 16, if not 309 of the Constitution of India.

The above submission is based on a wrong premise because these petitioners are a class of people who have never had any occasion to work in the capacity of Coordinator with the State. They want an entry into service under the State beyond the maximum age limit prescribed by the General Administration Department. For efficiency of service as well as for productivity, there has to be some kind of age limit for persons to be hired on a public post. In the given facts these petitioners want waiver or concession in their age as an open ended prayer, so that their case can also be considered for appointment even though they have already past their prime as well as the age fixed by the General Administration Department.

The advertisement, therefore, does not violate Article 14 and 16 of the Constitution of India. The petitioners form different class as they are looking for an opening for the first time viz-a-viz those who are already working may be on contract on the same said post over a period of time they form a different class.

Writ application, therefore, has no merit. It is dismissed.

(Ajay Kumar Tripathi, J.)

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