

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1696 of 2015

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1. Dr. Ajay Kumar Sharma Son of Deo Mangal Sharma Resident of Village - Hanuman Nagar P.S- Dhaka, District - East Champaran.
 2. Rajesh Kumar Verma Son of Late P.S Srivastava Resident of Mohalla Vidyanagar, Ward No-4 Utarbari Pokhara, P.S- Bettiah Town, District - West Champaran.
 3. Navin Kumar Sahay Son of Late Tribhuan Nath Sahay Resident of Mohalla - Gulabbagh, P.S- Bettiah Town, District - West Champaran.
 4. Rohit Kumar Son of Dr. Hridaya Prasad Resident of Mohalla - Purana Bus Sand , Gulabbagh , P.S- Bettiah Town, District - West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Agriculture Department, Govt. of Bihar, Patna.
2. The Agriculture Production Commissioner, Bihar, Patna.
3. The Principal Secretary, Agriculture Department, Govt. Bihar, Patna.
4. The Director, Agriculture Department, Bihar, Patna.
5. The Staff Selection Commission, Bihar, Patna through it Secretary.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajan
For the Respondent/s : Mr. SC22-KUNDAN BAHADUR SINGH

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
ORAL JUDGMENT
Date: 20-05-2015

20.05.2015

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 for a different class.

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

(Ajay Kumar Tripathi, J.)

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