

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16799 of 2008

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1. Shailendra Kumar Vatsa, S/o. Late Purushidh Narayan Singh, Resident of village + P.O. Nimsar, P.S. Alipur, Distt-Gaya
 2. Sanjay Kumar, son of Sri Paras Nath Singh, Resident of Block Colony, Court Area, Jehanabad, P.S. and District-Jehanabad
 3. Anil Kumar, son of Late Ramanuj Sharma, Resident of Village + P.O. Ikkil, P.S. Makhdumpur, Distt. Jehanabad
 4. Manoj Kumar, son of Sri Jai Narayan Prasad Singh, Resident of village-Kasauti, P.O. Bambhai, P.s. Karpi, District- Arwal.

.... Petitioners

Versus

1. The State of Bihar through Principal Secretary, Water Resources Department, Govt. of Bihar, Patna
2. The Deputy Secretary, Water Resources Department, Government of Bihar, Patna

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Rajendra Pd. Singh, Sr. Advocate
Mr. Navjot Yesu
Mr. Rishi Roy

For the State : Mr. Pramod Kumar, AC to GA-8

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CORAM: HONOURABLE MR. JUSTICE RAMESH KUMAR DATTA
ORAL ORDER

2 18-09-2015 Heard learned counsel for the petitioners and

learned counsel for the State.

The petitioners seek relaxation of age for filing application for appointment on the post of Junior Engineer in pursuance of advertisement dated 3.11.2008 published in daily newspaper since the petitioners have become overage in terms of the said advertisement and thereafter to consider the case of the petitioners for appointment if found suitable and come in the merit list.



The stand of the petitioners is that they had successfully completed the course of Diploma in Civil Engineering from a Government Polytechnic in the year 1989 and 1990 along with others but on account of non-issuance of advertisement for sufficient number of posts, they could not be appointed and thus ought to have been given age relaxation when the advertisement dated 3.11.2008 was issued.

Learned counsel for the State points out that the said advertisement was only for contractual appointment for a period of one year in which different minimum and maximum ages have been fixed considering all aspects of the matter. It is thus, submitted that the writ application itself has become infructuous with the passage of time for which the appointment was to be made.

It is further submitted by learned counsel that it is not true that no appointment had been made by the Government, rather required appointments of Junior Engineer had been made in the years 1995, 2006 and 2007 apart from which 1003 Junior Engineers had been appointed earlier on contract basis.

It is further submitted that the petitioners could not make out a case for relaxation of age in the process of such

contractual appointment in the year 2005 when such large number of Junior Engineers were appointed and even when the advertisement was made in the year 2008.

On a consideration of the facts and circumstances of the case and considering the materials on the record, this Court finds sufficient force in the submission of learned counsel for the State that contractual appointment being for a period of one year, the question of age relaxation does not arise after the passage of seven years from the advertisement.

Moreover, it is not a case where no appointment had been made rather as asserted in the counter affidavit several regular appointments as also contractual appointments on a large number of posts had been made from time to time prior to the present advertisement.

Thus, there is no merit in the writ application. It is, accordingly, dismissed.

(Ramesh Kumar Datta, J)

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