

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1900 of 2015

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Hari Babu Sharma, son of Pooran Chand Sharma, resident of Madhugarh, Mathura Road, P.S.Hathras, District Hathras, Uttar Pradesh.

.... Petitioner

Versus

1. The State of Bihar through its Law Secretary, Patna, Bihar
2. The High Court of Judicature at Patna, through its Registrar General, Patna

.... Respondents

with

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Civil Writ Jurisdiction Case No. 2031 of 2015

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Navendu Shekhar Deepak, son of late Bipin Bihari Verma, resident of Kishon Kunj, Babunia More, P.S. Siwan, Town and District Siwan,.

.... Petitioner

Versus

The Registrar General, Patna High Court, Patna.

.... Respondent

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Appearance:

(In CWJC No. 1900 of 2015)

For the Petitioner : Mr. Sumeet Kumar Singh, Advocate
Mr. Sanchay Srivastava, Advocate

For the State : Mr. Lalit Kishore, PAAG

For the High Court : Mr. Piyush Lall, Advocate

(In CWJC No. 2031 of 2015)

For the Petitioner : Mr. Rakesh Kumar Shrivastava, Advocate

For the State : Mr. Lalit Kishore, PAAG

For the High Court : Mr. Piyush Lall, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 03-02-2015

In these writ petitions, the petitioners feel aggrieved by the stipulation of the maximum age limit prescribed in the Advertisement No. 01/2015 for direct recruitment of District Judge (Entry Level)

Direct from Bar issued by the High Court of Judicature at Patna.

Heard Sri Sumeet Kumar Singh and Sri Rakesh Kumar Srivastava, learned counsels for the petitioners, Sri Lalit Kishore, learned Principal Additional Advocate General for the State and Sri Piyush Lall, learned counsel for the High Court of Judicature at Patna.

The High Court of Judicature at Patna has issued Notification No. 01/2015 inviting applications for selection and appointment of candidates to the post of Additional District & Sessions Judge direct from Bar. The Clause 3 of the notification pertaining to age limit reads as under :

“3. The candidates, who have not completed the age of 35 years and those who have already completed the age of 50 years as on 05.02.2015, shall not be eligible for consideration for such appointment.”

The grievance of the petitioners is that they were incapacitated in submitting the applications since they have crossed the age of 50 years. They also pleaded that since the High Court did not undertake appointment process for the past 2-3 years the age limit needs to be enhanced correspondingly.

We find it difficult to accept the contention of the petitioners. It is well settled that it is the prerogative of the appointing authority to prescribe the age limit and other

qualifications for the posts, within the organization. It is only when the age limits are shown to be contrary to any specific provision of law, that a possibility would exist for interfering with the prescribed age limits.

Learned counsel for the petitioners relied upon a decision of the Hon’ble Supreme Court in **Sasidhar Reddy Sura vs. the State of Andhra Pradesh and others**, reported in {(2014) 2 SCC 158}. A perusal of the same discloses that the Supreme Court found fault with the insistence of minimum age limit by the High Court at the time of selection, when the advertisement was silent on that aspect. In the instant case, the Rule is specific about minimum as well as the maximum age limits.

We do not find any basis to interfere with the notification. The writ petitions are accordingly, dismissed.

(L. Narasimha Reddy,CJ)

(Vikash Jain, J)

Chandran/Md.Ibrarul

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