

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13645 of 2007

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Pramode Kumar Singh, son of Sri Ramjeet Singh resident of Mohalla –
Salimpur Ahra, Lane No. 1, P.S. Gandhi Maidan, District Patna

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna
2. Bihar Staff Selection Commission through its Secretary, PO Vetenary College under Shashtrinagar, P.S. District Patna
3. the Secretary, Bihar Staff Selection Commission PO Vetenary College, under Shashtrinagar P.S. district Patna
4. the Joint Secretary, Bihar Staff Selection Commission P.O. Vetenary College under Shastrinagar P.S. District patna
5. the Deputy Secretary, Department of personnel and Administrative Reforms Govt. of Bihar patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. A.K.Mallick, Advocate

For the Respondent/s : Mr. Bipin Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR

ORAL ORDER

9 18-05-2015 Heard learned counsel for the petitioner, learned AC to SC No. 27 as well as Sri Bipin Kumar, learned counsel, who has appeared on behalf of the respondent no. 2 to 4/ Bihar Staff Selection Commission.

The petitioner, in the present writ petition, has prayed for quashing of a communication contained in Memo No. 316 /Sa dated 15.7.2006 (Annexure -7 to the writ petition) whereby the petitioner was intimated regarding rejection of his application, which was filed pursuant to Advertisement No. 1006 issued for appointment of Junior Engineer (Civil), for which examination was to be held in the year 2006. The candidature of the petitioner

was rejected on the ground that he was over aged.

Learned counsel for the petitioner submits that petitioner had claimed that he was under the category of O.B.C. and in respect of O.B.C. candidates upper age limit was 37 years whereas petitioner had completed 35 years 11 months and odd on the date of filing of application, and as such, the petitioner's application was illegally rejected by the authority concerned. He further submits that even considering the case of petitioner as general category, the benefit of one year was to be given to the petitioner since the petitioner was having certificate of proficiency. On aforesaid grounds, a prayer has been made to quash the Annexure - 7 and direct the respondents to conduct a special examination in respect of the petitioner.

In this case a counter affidavit has been filed on behalf of the respondent no. 2 to 4, wherein, it has been categorically stated that since the petitioner in support of his candidature against O.B.C. had not submitted certificate duly issued by the Collector, as per the advertisement, the petitioner's case was considered as general category and in respect of general category candidates the upper age limit was fixed as 35 years and since he had already crossed the age limit, his application was rightly rejected.

Considering the facts and circumstances, particularly the fact that in terms of the advertisement certificate duly issued by the Collector was not submitted by the petitioner, his case was rightly considered under the general category and since under the general category the upper age limit was 35 years, which the petitioner had already crossed, I do not find any defect in the order impugned i.e. Annexure -7.

The writ petition stands dismissed.

(Rakesh Kumar, J)

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