

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.13170 of 2015

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1. Dr. Arbind Kumar Sinha son of Sri Prabhunath Prasad Sinha, resident of Mohalla- Ashok Nagar, Road No.8/B, P.S.- Kankarbagh, District- Patna.
 2. Dr. Praveen Kumar son of Sri Kuleshwar Singh, resident of Mohalla- Rajendra Nagar, Road No.12, P.S.- Kadamkuan, District- Patna.
 3. Dr. Anil Kumar son of Sri Krishna Ballabh, Flat No. 22, Vijay Nagar (90), P.S.- Kankarbagh, District- Patna.
 4. Dr. Seeraj Ahmad son of Wakil Ahmad, resident of village- Langra, P.S.- Sikarpur, District- Patna.
 5. Dr. Raghvendra Kishore son of Kaushal Kishore, resident of Mohalla- Shashik Mahesh Nagar, Rajdhani Apartment, P.O.- Keshri Nagar, P.S.- Patliputra, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar through Chief Secretary.
2. The Principal Secretary Health Department, Bihar, Patna.
3. The Additional Secretary Health Department, Bihar, Patna.
4. The Director in Chief, Health Services Govt. of Bihar, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr Ram Suresh Roy, Sr. Advocate
Mr. Rajesh Kumar Sinha
Ms Alpna Srivastava
For the Respondent/s : Mr. Lalan Kumar, AC to GP 23

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 01-10-2015

The petitioners are before the Court seeking a direction upon the respondent authorities for relaxation in minimum age, which has been fixed for appointment on the post of a Tutor, in terms of advertisement dated 8.5.2015 contained in Annexure- 1.

Submission of learned senior counsel is that this is a tenure post for three years. These petitioners have all the eligibility.

The only reason they have been ousted despite fulfilling the requirements otherwise is that they have just passed the age laid down in terms of the advertisement.

There are vacant posts. 40% of the seats are required to be filled up by applicants coming from the cadre of Bihar Health Service and, therefore, looking at the long length of service and experience, their services should be taken and utilized for the purpose for which advertisement contained in Annexure- 1 was issued.

Stand of the State in the counter affidavit is that as it is a five years leeway has already been granted to the members of the Bihar Health Service, there cannot be dilution again and again to accommodate people because a uniform yardstick has to be maintained.

There is no special reason as to why the eligibility for age, which has been indicated in the advertisement, should be read down. The petitioners, who belong to the Bihar Health Cadre have already been given the privilege of relaxation of five years. They are already in advantageous position vis- a- vis other similar applicants to such posts merely because even those five years of concession does not help these petitioners to beget the advantage of such appointments. The Court has no occasion to read down or dilute the eligibility, if there is no irrationality as such in keeping the age for

such appointment.

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

(Ajay Kumar Tripathi, J)

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