

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.1830 of 2012
IN
Civil Writ Jurisdiction Case No. 5089 of 2006**

- =====
1. The State of Bihar.
 2. The Commissioner-cum-Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna
 3. The Director, Land Records and Survey, Government of Bihar, Patna.
 4. The Deputy Director of Survey, Government of Bihar, Gulzarbagh, Patna.
 5. The Assistant Director (Administration), Survey Officer, Government of Bihar, Patna.
- Respondent- Appellants

Versus

Satish Kumar Ojha, Son of late Chandra Shekhar Ojha, resident of Mohalla-Mahabir Ghat, behind Government Press, Gulzarbagh, Patna, P.S. Alamganj, District-Patna, resident of Araria, P.O. P.S. & District- Araria.

Petitioner.....Respondent.

=====

Appearance :

For the Appellant/s : Mr. Harishankar Roy, AC to P.A. A.G.

For the Respondent : Mr. Arun Kumar Sinha, Advocate.

=====

CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA

And

HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE HEMANT GUPTA)

Date: 29-02-2016

The present Letters Patent Appeal is directed against the order passed by the learned Single Judge on 17.04.2012 whereby the respondent herein, the writ petitioner was directed to be given benefit of weightage of having worked for six months period from 29th of January 1981 till 1988 and for more than six months in the year, 1989 and also for directing the respondents/appellants to appoint the petitioner/respondent as Press Attendant in the Survey Office, Gulzarbagh.

An advertisement was published on 16.11.1993 inviting



application for the different posts including that of Press Attendant from eligible candidates with minimum age of 18 years and maximum age of 35 years as on 01.11.1993. As per the writ petitioner/respondent, he was born in 1962 and thus was almost the age of 31 years as on 01.11.1993. The writ petitioner/respondent ranked lower in merit and was not appointed. In an order under appeal, the writ petitioner/respondent has been directed to be given benefit of weightage on account of his having worked from 1981 to 1988 for 6 months, in the year 1989 for more than 6 months and further direction was given to appoint him.

Learned counsel for the appellant has brought to our notice Circular dated 27th of March 1992 appended to the counter affidavit as Annexure-A in the writ petition to the effect that the weightage of previous experience could be given only to the general category candidates who are more than 33 years of age. In respect of general category candidate of the age of 33 years is entitled to weightage of two marks. Admittedly, the writ petitioner was less than 33 years of age on the date fixed in the advertisement i.e. 01.11.1993 and, thus, was not entitled to any age based weightage. Still further, there could not be any direction to appoint the writ petitioner/respondent even if the writ petitioner/respondent is found entitled to weightage.

Therefore, we find neither the writ petitioner/respondent is entitled to age based weightage nor there could be any direction to appoint him.

In view of this, the order passed by the learned Single Judge is set aside and the writ petition is dismissed. The Letters patent Appeal is allowed.

(Hemant Gupta, J)

Rajiv/MEH

(Navaniti Prasad Singh, J)

U			
---	--	--	--