

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1087 of 2015

IN

Civil Writ Jurisdiction Case No. 7950 of 2015

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1. Krishna Kumar Chaubey, Son of Late Indrajeet Chaubey,
resident of Village - Binod Matihaniya, P.S. - Bishambharpur,
District - Gopalganj.

.... Petitioner/Appellant

Versus

1. The State of Bihar through the Principal Secretary, Department of Agriculture, Government of Bihar, Patna.
2. The Principal Secretary, Department of Agriculture, Government of Bihar, New Secretariat, Patna.
3. The Director, Agricultural, Department of Agriculture, Government of Bihar, New Secretariat, Patna.
4. The Bihar Staff Selection Commission, Patna through its Chairman.
5. The Chairman, Bihar Staff Selection Commission, Patna.
6. The Secretary, Bihar Staff Selection Commission, Patna.

.... Respondents/Respondents

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Appearance :

For the Appellant/s : Mr. Ajay Kumar Sharma

For the Respondent/s : Mr. GP6- PRASHANT PRATAP

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE

And

**HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**

ORAL JUDGMENT

**(Per: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH)**

Date: 04-02-2016

Heard Mr. Ajay Kumar Sharma, learned Counsel, appearing on behalf of the appellant and Mr. Gyan Shankar, learned Assistant Counsel to Government Pleader No.6, appearing on behalf of the respondents-State of Bihar. Heard also Mr. K.K. Upadhyaya, learned Counsel, appearing on behalf of the respondents-Bihar Staff Selection Commission.

2. The present appeal, under Clause 10 of the Letters Patent of this Court, has been preferred by the appellant, aggrieved by the judgment & order, dated 22.05.2015, passed in C.W.J.C. No.7950 of 2015, by a learned single Judge of this Court.

3. The appellant had approached this Court by filing an application, under Article 226 of the Constitution of India, giving rise to C.W.J.C. No.7950 of 2015, seeking a direction to allow him relaxation in age for consideration of his selection and appointment to the posts of Agriculture Coordinator, advertised by the Bihar Staff Selection Commission, which has been brought on record by way of Annexure-7 to the writ application.

4. The said advertisement prescribes for

relaxation in upper age limit only for those candidates, who were working on contractual basis, as Agriculture Coordinators.

5. Learned Counsel, appearing on behalf of the appellant, submits that in exceptional circumstances, the appellant should also be given the benefit of age relaxation, as, according to him, the appellant had intended to participate in the process of selection for appointment as Agriculture Coordinator, on contractual basis, earlier, but because he had to suffer a physical assault by some of the candidates on the date of counselling, he could not participate in the selection process, at the relevant time. It is his plea that an First Information Report had been instituted for the said occurrence and the investigation is still going on. It is, accordingly, the case of the appellant that had he participated in the process of counselling for appointment as Agriculture Coordinator, he could have certainly been appointed on contractual basis and would have become entitled for relaxation in age, in terms of the advertisement.

6. Learned single Judge of this Court, however, did not find any merit in the case and dismissed the application by the judgment and order, under appeal, dated 22.05.2015.

7. Learned Counsel, appearing on behalf of the appellant, has attempted to persuade us that his case should be treated as an exceptional case for the purpose of grant of age

relaxation in view of the peculiar situation as narrated above because of which he could not participate in the counselling process for appointment to the post of Agriculture Coordinator, on contractual basis.

8. We have perused the pleadings of the writ application and the materials available on the record. We have also perused the judgment & order, under appeal, and considered the rival submissions advanced on behalf of the parties. We do not find any infirmity in the judgment & order, under appeal, since, in our opinion, the terms of advertisement cannot be altered. This is not in dispute that in terms of the advertisement, in question, the appellant was neither entitled to be considered for selection nor his case is otherwise covered for the purpose of age relaxation, as provided in the advertisement. We, therefore, do not find any infirmity, factual or legal, in the judgment & order, under appeal.

9. This appeal is, accordingly, dismissed.

(I. A. Ansari, ACJ.)

(Chakradhari Sharan Singh, J.)

Praveen-II/-

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