

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.329 of 2014
Arising out of
Civil Writ Jurisdiction Case No. 22743 of 2013**

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Ashok Kumar Sinha, Son of Late Chandeshwar Prasad Sinha C/O Ramesh Thakur,
North of Pump House, Mohalla Mohanpur, Punaichak, Patna

.... Appellant/s

Versus

1. The State Of Bihar, Through Chairman Cum Secretary, Museum, Directorate, Patna
2. The Secretary, B P S C, Jawahar Lal Nehru Marg, Bailey Road, Patna
3. The Examination Controller B P S C Jawahar Lal Nehru Marg, Patna
4. The Secretary, Art, Culture And Youth Department, Patna
5. The Director, Art, Culture And Youth Department Patna
6. The Secretary, General Administration, Government Of Bihar, Patna

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Alok Kumar Jha
For the State : Mr. Anil Kumar, GP 23
For Bihar Public Service
Commission : Mr. Sanjay Pandey

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CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA

and

HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE HEMANT GUPTA)

Date: 19-07-2016

The order dated 21st January, 2014 passed by the learned
Single Bench in CWJC No. 22743 of 2013 is the subject matter of
challenge in the present Letters Patent Appeal.

The Bihar Public Service Commission (for short, BPSC)
issued an advertisement on 3rd October, 2012 for the post of Curator.
The cut-off date for determining the age of various categories of
candidates who were eligible to apply and be considered for such
appointment was fixed as 1st August, 2007. The challenge is that such
cut-off date is on the ground that it is arbitrary as the vacancies arose

in the year 1987 onwards. Therefore, the cut-off date had to be the date when the vacancies became available.

We have heard learned counsel for the appellant and find no merit in the present appeal. The advertisement was published on 3rd October, 2012 when the maximum age limit was 37 years as on 1st August, 2007 for unreserved categories and 42 years for Scheduled Castes and Scheduled Tribes. If the cut-off date is to be fixed as that of the year 1987, the candidates would be joining and retiring in short duration. Still further, the fixation of cut-off date is discretion of the employer. Simply because the cut-off date is not to the liking of the appellant, it does not confer any actionable claim to dispute such cut-off date in the writ application.

We do not find any irregularity or illegality in the order passed by the learned Single Bench which may warrant interference by this Court in the present Letters Patent Appeal.

The appeal is accordingly dismissed.

(Hemant Gupta, J)

(Ahsanuddin Amanullah, J)

mrl

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