

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Civil Writ Jurisdiction Case No.9173 of 2016**

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1. Ajay Kumar Singh S/o Shri Chandrama Singh, resident of Mohalla- Kaliket Nagar, D.P.S. More, New Bailey Road, Danapur, P.S. Rupaspur, District- Patna.  
2. Anju Singh D/o Shri R.R.P.Singh, resident of Mohalla- Friends Colony, Road No. 3, Ashiana Nagar, P.S.- Rajiv Nagar, District Patna.

.... .... Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Department of Education, Government of Bihar, Patna.  
2. The Principal Secretary, Department of Education, Government of Bihar, Patna.  
3. The Director, Research and Training, Department of Education, Government of Bihar, Patna.  
4. The Secretary, Bihar Public Service Commission, Bailey Road, Patna.  
5. The Joint Secretary-cum-Controller of Examinations, Bihar Public Service Commission, Bailey Road, Patna.

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Raj Kishore Prasad  
For the Respondent/s : Mr. SC29- R.R.K.Pandey  
Mr Sanjay Pandey

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**CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI**

**ORAL JUDGMENT**

**Date: 21-06-2016**

The two petitioners have jointly moved the High Court through the present writ application for a direction upon the respondents to grant further exemption with regard to the maximum age, which has been laid down in the advertisement issued by BPSC and is Annexure- 2 to the writ application. As per clause 3 (c) of the advertisement, the minimum age has been fixed as 21 years and the maximum age has been indicated under various categories with exemption of four years across the board.

The exemption of four years does not help the case of

the present petitioners because despite the said concession they are well past the maximum age, which has been fixed for such appointment, for which the advertisement has been issued.

The primary submission on behalf of the petitioners is that for almost 25 years no advertisement had been issued for filling up the post of Lecturer in Government Teachers Training Colleges in the State and since after lapse of 25 years the present advertisement has been issued, therefore, a reasonable opportunity for consideration should be made for all those persons, who have become overage waiting for an opportunity for such consideration, if not appointment.

The stand of the State in the counter affidavit is that for a long period of time all such Government Teachers Training Colleges had shut down and became non-functional. It is only now that effort has been taken for reviving them after putting in place a rule which has been notified on 12.2.2014, a copy of which is Annexure- C to the counter affidavit. The rule is a composite rule which lays down the parameters based on which such appointment/ recruitment, selection and promotion etc. is required to be made. The advertisement is in conformity with the said rule. The rule in question has been notified under Article 309 of the Constitution of India.

Till the rules are struck down to be violative of Articles 14 and 16 of the Constitution of India, no interference would be

warranted with the clauses of advertisement contained in Anenxure-2 since they are in conformity with the rules and the requirement. Merely because there has been a long delay in issuing advertisement and recruitment, it does not create any right in favour of these candidates, who has failed to get any employment during the period due to inaction on behalf of the State. No interference is required with the advertisement in question much less on the issue of further concession with regard to the maximum age which has been notified.

Writ has no merit. It is dismissed.

**(Ajay Kumar Tripathi, J)**

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