

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.1281 of 2015
Arising out of
Civil Writ Jurisdiction Case No. 1696 of 2015**

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1. Dr. Ajay Kumar Sharma, son of Deo Mangal Sharma, resident of Village - Hanuman Nagar P.S - Dhaka, District - East Champaran.
 2. Rajesh Kumar Verma, son of Late P.S. Srivastava, resident of Mohalla Vidyanagar, Ward No - 4 Uttarbari Pokhara, P.S - Bettiah Town, District - West Champaran.
 3. Navin Kumar Sahay, son of Late Tribbhuan Nath Sahay, resident of Mohalla - Gulabbagh, P.S - Bettiah Town, District - West Champaran.
 4. Rohit Kumar, son of Dr. Hridaya Narayan Prasad, Resident of Mohalla - Purana Bus Sand, Gulabbagh, P.S - Bettiah Town, District - West Champaran.
- Petitioner-Appellant/s

Versus

1. The State of Bihar through the Principal Secretary, Agriculture Department, Government of Bihar, Patna.
 2. The Agriculture Production Commissioner, Bihar, Patna.
 3. The Principal Secretary, Agriculture Department, Government of Bihar, Patna.
 4. The Director, Agriculture Department, Bihar, Patna.
 5. The Staff Selection Commission, Bihar, Patna through its Secretary.
- Respondents-Respondent/s

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Appearance :

For the Appellant/s : Mr. V. R. P. Singh, Advocate
Mr. Rajan, Advocate

For the Respondent/s : Mr. Anwar Karim, A.C. to G. P.-10

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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: 10-08-2016

The challenge in the present Letters Patent Appeal is to an order passed by the learned Single Bench on 20th of May, 2015 whereby, the challenge to an order of relaxation of age to the persons, who are working on contract basis as Agriculture Coordinators, was found to be without any merit.



An advertisement was published by the Bihar Staff Selection Commission inviting applications for the post of Agriculture Coordinators. Before the advertisement was issued, the State Government had passed an order on 23rd December, 2014 relaxing the age limits of the Agriculture Coordinators working on contract basis in exercise of powers conferred under Rule 6 of the Agriculture Coordinator Cadre (Recruitment and Service Conditions) Rules, 2014. The challenge in the writ petition was to an order of relaxation of age restricted to the Agriculture Coordinators, who were working on contract basis. The challenge to the said relaxation has remained unsuccessful before the learned Single Bench and still aggrieved; the appellants are before this Court.

The appellants are working against the posts of Consultant and Technical Assistant in the Agriculture Department. The post on which the appellants have been appointed is separate and distinct from the post of Agriculture Coordinator. The benefit of age relaxation has been given to Agriculture Coordinators working on contract basis in exercise of power conferred under Rule 6 of the 2014 Rules. This is to provide an opportunity to such Agriculture Coordinators to compete for appointment against the posts of Agriculture Coordinators.

Learned counsel for the appellants has vehemently

argued that since the appellants are also working under the Agriculture Department, therefore, relaxation of age only to the Agriculture Coordinators working on contract basis is illegal and arbitrary and without any reasonable nexus with the objective to achieve the appointment of Agriculture Coordinators on merit.

We do not find any merit in the said argument. The appointment of Agriculture Coordinators is governed by Agriculture Co-ordinator Cadre (Recruitment and Service Conditions) Rules, 2014. Such Agriculture Coordinator has been defined to mean personnel giving technical and administrative co-operation in implementation of various schemes of the Agriculture Department below Block level. The age relaxation has been given to the Agriculture Coordinators working on contract basis to give an opportunity to such contractual employees for regular appointment.

On the other hand, the appellants are working as Consultant and Technical Assistants and are engaged on contractual basis. There is no assertion that there is any parity of working of the appellants with that of the Agriculture Coordinators. Since the post by regular selection is to be filled up is that of Agriculture Coordinators, therefore, the officials, who are working on contract basis as Agriculture Coordinators forms a class and has been rightly given age relaxation to provide an opportunity for appointment under the State.

We do not find any error in the age relaxation given to a defined class.

The Letters Patent Appeal is, therefore, dismissed.

(Hemant Gupta, J.)

(Ahsanuddin Amanullah, J.)

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