IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18743 of 2016

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1. Rupak Kumar Sinha, Son of Srikant Prasad Sinha, resident of Road No. 2, House No. 10, Mohalla- Indrapuri, P.O.- Kesarinagar, P.S.- Patliputra, Patna, Pin- 800024.
2. Manoj Kumar, Son of Chandrika Prasad, resident of Mohalla- Murfuji Lane, P.O.- Patna City, P.S.- Mehdiganj, District- Patna, Pin- 800008.
3. Anjneya Mishra, Son of Padmakar Mishra, resident of Mohalla- Rajiv Nagar, Road No. 24, P.S.- Rajeev Nagar.
4. Manoj Kumar, Son of Ram Babu, resident of Village- Pratappur, P.O.- Patna City, P.S.- Mehdiganj, District- Patna, Pin- 800008.

.... Petitioners

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. Principal Secretary, General Administration Department, Government of Bihar, Patna.
3. The Bihar Public Service Commission through its Secretary, 15 Jawaharlal Nehru Marg, Bailey Road, Patna.
4. The Chairman, Bihar Public Service Commission, 15 Jawaharlal Nehru Marg, Bailey Road, Patna.
5. The Secretary, Bihar Public Service Commission, 15 Jawaharlal Nehru Marg, Bailey Road, Patna.

.... Respondents

Appearance :
For the Petitioner/s : Mr. Kumar Kaushik, Adv.
For the Respondent/s : Mr. Sheo Shankar Prasad- SC8
For BPSC : Mr. Sanjay Pandey, Adv.

CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL JUDGMENT
Date: 15-03-2017

Heard Mr. Kumar Kaushik, learned counsel appearing for the petitioner, Mr. Sheo Shankar Prasad, SC-8, for the State and Mr. Sanjay Pandey, learned counsel appearing for the Bihar Public Service Commission.

The petitioners pray for appropriate direction to the respondents for grant of age relaxation for appearing in 60th to 62nd Combined Competitive Examination conducted by the Bihar Public Service Commission (hereinafter referred to as 'the Commission').

The argument of the petitioners while relying upon a circular of the State Government dated 23.1.2006, a copy of which is enclosed at Annexure P3 to the writ petition, is that the last examination conducted by the Staff Selection Commission for filling up the post of Circle Inspector was issued in the year 2010 with eligibility age of 37 years as on 1.8.2009 and in similar circumstances this Court taking note of the circular dated 23.1.2006 required the respondents to consider the case of such of the applicants who could not appear in the examination so conducted by the Staff Selection Commission due to delayed holding of examination. A copy of the order passed on the writ petition is enclosed at Annexure P4 to the writ petition and resulted in relaxing the age qualification to 1.7.1999 and all those persons who were aged 37 years on that date, were permitted to appear.

The grievance of the petitioners is that the previous examination for the post of Circle Inspector was held in the year 2010 with all qualifying on age as on 1.8.2009 were permitted to appear. It is the case of the petitioners that by virtue of the Bihar Revenue Service Rules, 2010 notified on 15.1.2010 as amended by the Bihar Revenue Service (Amendment) Rules, 2015, the post of the Circle Inspector was re-designated as Revenue Officer and was made a gazetted post w.e.f. 1.4.2015. A formal notification to such effect is on record as Annexure P1 published vide notification dated 30.4.2015. Since the post of the Circle Inspector was re-designated as

Revenue Officer and made a gazetted post that the onus of holding of such examination was shifted to Bihar Public Service Commission and who while issuing the advertisement for 60th, 61st and 62nd Combined Competitive Examination included the post of Revenue Officer fixing the cutoff date as 1.8.2014. A copy of the advertisement is placed at Annexure P2 and it is the fixation of the age of eligibility as on 1.8.2014 which has aggrieved the petitioner since according to them, they have become overage by such fixation.

The short argument of Mr. Kaushik is in reference to the circular dated 23.1.2006 to submit that since in the previous advertisement the cutoff date was fixed as 1.8.2009 in so far as filling up the post of Circle Inspector and which was shifted back to 1.7.1999 albeit under the orders of this Court, the respondents at best could have fixed 1.8.2010 as the cutoff date in so far as the post of Circle Inspector is concerned after having been brought within the category of gazetted post and the eligibility date could not have been shifted to 1.8.2014 prejudicing the case of such of the applicants who would have been eligible to appear in the examination had the post remained non-gazetted.

Per contra, It is the argument of Mr. Pandey, learned counsel appearing for the Commission, that had the examination continued to be conducted by the Staff Selection Commission perhaps the claim advanced by the petitioner would have merited some consideration but in the peculiar facts of the present case where these petitioners did not choose to apply even after the advertisement coupled with the fact that since the cutoff date for the Combined Competitive Examination No. 56th, 57th, 58th and 59th was fixed as 1.8.2010, 1.8.2011, 1.8.2012 and 1.8.2013 respectively the cut off date for the present examination i.e. the 60th to 62nd Combined Competitive Examination accordingly has been fixed as 1.8.2014, 1.8.2015 and 1.8.2016 respectively and he thus submits that in the circumstances so discussed the reliance placed by the petitioner on the circular dated 23.1.2006 cannot come to the aid of the petitioners.

Having heard learned counsel for the parties and in the nature of explanation so advanced by Mr. Pandey I am satisfied that the claim advanced by the petitioners through this writ petition does not merit consideration either on merits or even on grounds that the petitioners have not even bothered to file their respective application for the post. No cause for indulgence is thus made out on the grievance raised.

The writ petition is disposed of.

(Jyoti Saran, J)

Srendra/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	29.03.2017
Transmission Date	NA