

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1203 of 2013

IN

Civil Writ Jurisdiction Case No. 15942 of 2013

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1. Satyendra Kumar Sinha Son Of Late Brshwanath Prasad Resident Of Village & Po- Gopalbad, Ps- Sarmua, District- Nalanda
 2. Ashok Kumar Son Of Sri Awadhnandan Prasad Resident Of Village & P.O. Nahalpur, P.S. Parasbigha, District- Jehanabad
 3. Rajeev Kumar Son Of Sri Upendra Narayan Singh Resident Of Moh- Raghunath Pandey Lane, Kalambagh Chauk, P.O. Ramna, District- Muzaffarpur
 4. Birendra Kumar Son Of Ram Nandan Sharma Resident Of Nandanpuri Colony, Maurya Path, Khajepura, P.O. B.V. College, P.S. Rajiv Nagar, District- Patna
 5. Shyam Sundar Prasad Singh Son Of Late Hulash Singh Resident Of Village- Mohiuddinpur, P.O. Beshwak, P.S. Islampur, District- Nalanda
 6. Anil Prasad Son Of Late Shyam Lal Prasad Resident Of Village- Pathak Bigha, P.O. Murgaon, P.S. Hulesganj, District- Jehanabad
 7. Mukesh Kumar Son Of Chandreshwar Prasad Singh Resident Of Moh- Anand Vihar Colony, Sahwajpur South, P.O. Bhikhampur, P.S. Ahiyapur, District- Muzaffarpur
 8. Ashok Kumar Son Of Hari Shankar Singh Resident Of Moh- Alkapuri, Bhagwanpur Chauk, P.S. Sadar Bhagwanpur, District- Muzaffarpur
 9. Dinesh Prasad Son Of Late Jay Narayan Prasad Resident Of Moh- Brahmpura, Near M.I.T. Post Office, P.S. Brahmpura, District- Muzaffarpur
 10. Arun Kumar Sharma Son Of Narendra Sharma Resident Of Near M.S. College, Chandmari, Motihari, P.S.- Town, District- East Champaran
 11. Nilmani Srivastava Son Of Late Divendra Prasad Srivastava Resident Of Moh- Anandpuri, Bibiganj, P.S. Sadar Bhagwanpur, District- Muzaffarpur
 12. Niranjana Kumar Son Of Late Raghubansh Prasad Singh Resident Of Village & Po- Chandrahatti, Ps- Kudhni, District- Muzaffarpur
 13. Ashok Kumar Son Of Sheo Nandan Mahto Resident Of Village- Jaitiya, P.O.- Dhovdiha, P.S. Khudaganj, District- Nalanda
 14. Arun Kumar Son Of Late Ramchandra Singh Resident Of Village- Sherpur, P.S. Gurua, District- Gaya
 15. Dharmendra Kumar Son Of Chaudhari Ray Resident Of Village- Chandauti, P.O. Chandauti, P.S. Chandauti, District- Gaya
 16. Chandan Kumar Son Of Ram Bihari Sharma Resident Of Village- Barachi, P.S. Goh, District- Aurangabad
 17. Ramanand Singh Son Of Late Jagdeo Singh Resident Of 158, A.P. Colony, P.S. Rampur, District- Gaya
 18. Rajkishore Bharti Son Of Late Mahadeo Prasad Yadav Resident Of Village- Sabdo, P.O. & P.S. Fatehpur, District- Gaya
 19. Kanak Kumar Karmvir Son Of Nayan Prasad Singh Resident Of Village- Mehush, P.S. Mehush, District- Sheikhpura
 20. Ram Naresh Singh Son Of Jagdeo Singh Resident Of Village- Bechubigha, P.O. & P.S. Bankebazar, District- Gaya
 21. Ranjeet Kumar Son Of Shatruhan Prasad Sinha Resident Of Mohalla- South Church Road, Near Mochar Petrol Pump, P.S. Civil Lines, District- Gaya
 22. Dilip Kumar Son Of Late Nunulal Singh Resident Of Village- Majlish, P.O. Gokhula, P.S.- Bidupur, District- Vaishali
 23. Ratnesh Kumar Ratnakar Son Of Satrudhan Singh Resident Of Village-



- Gokhula, P.S.- Bidupur, District- Vaishali
24. Anand Kumar Son Of Indubhushan Ray Resident Of Village- Dhamour, P.O. Patori, P.S. Sahpur Patori, District- Samastipur
 25. Kamlakant Kunj Son Of Late Laldeo Ray Resident Of Mohalla- Dakbanglow Road, P.O. Hajipur, District- Vaishali
 26. Manoj Kumar Son Of Late Chandeshwar Prasad Resident Of Village- Khesrahi, P.O.- Patepur, District- Vaishali
 27. Ashwani Kumar Son Of Late Drasy Deo Prasad Singh Resident Of Village- Dighe, P.O. Hajipur, District- Vaishali
 28. Raj Kumar Singh Son Of Late Kapildeo Singh Resident Of Village- Dushdey, P.O. Lalganj, District- Vaishali
 29. Arbind Kumar Singh Son Of Late Yamuna Singh Resident Of Village & P.O. Jalalpur, P.S. Lalganj, District- Vaishali
 30. Shiv Prasad Singh Son Of Late Hari Narayan Singh Resident Of Village- Chakisa, P.S.- Jandaha, District- Vaishali
 31. Pramod Kumar Son Of Late Daroga Sah Resident Of Village- Kiratpur, P.S. Bhagwanpur, District- Vaishali
 32. Sanjeev Kumar Son Of Devendra Prasad Singh Resident Of Village- Dilawarpur East, P.O. & P.S. Bidupur, District- Vaishali
 33. Ranjeet Kumar Son Of Umeshwar Singh Resident Of Village & P.O. Khamhar, P.S. Begusarai, District- Begusarai
 34. Vijay Kumar Jha Son Of Late Chandra Shekhar Jha Residen Of Village & P.O. Sanjat, District- Begusarai
 35. Krishna Murari Son Of Ramchandra Prasad Singh Resident Of Village & P.O. Bhairwar, P.S. Begusarai, District- Begusarai
 36. Bipin Kumar Singh Son Of Mohan Singh Resident Of Moh- Ratanpur, Ward No. 19, P.S. Begusarai, District- Begusarai
 37. Sunil Kumar Singh Son Of Late Murari Prasad Singh Resident Of Village- Bakulhara, P.O. Phulwar, District- East Champaran
 38. Anil Kumar Son Of Late Jai Mangal Prasad Srivastava Resident Of West Of Rajendra Hostel No. 1, Moh- Chandmari, Motihari, District- East Champaran
 39. Mangal Prasad Singh @ Mangal Prasad Sinha Son Of Pancha Nand Prasad Sinha Resident Of Village & P.O. Bankatwa, P.S. Titana, District- East Champaran
 40. Rajiv Ranjan Srivastava Son Of Harimohan Prasad Resident Of Moh- Gayatri Nagar, P.S- Motihari, District- East Champaran
 41. Ali Imam Son Of Md. Maksood Alam Resident Of Village- Laxmipur, P.O. Kaorihar, P.S. Raxaul, District- East Champaran
 42. Asharaf Ali Son Of Md. Ansarul Miya Resident Of Village- Bharihari, P.O. Sirisiya Khurd, P.S. Adapur, District- East Champaran
 43. Ram Bhajan Singh Son Of Late Mankeshwar Singh Resident Of Village & P.O. Chata, District- East Champaran
 44. Shivrath Prasad Son Of Late Kishun Prasad Resident Of Moh- Sadar Hospital Chauk, Gali No. 1, Agarwa, P.S. Motihari, District- East Champaran
 45. Dhanraj Prasad Sonof Late Raghunath Prasad Resident Of Village- Shankar Saraiya Kalwari Tola, P.S. Tarkulia, District- Champaran
 46. Upendra Kumar Singh Son Of Late Kapildev Singh Resident Of Moh- New Chandmuri Motihari, Near M.S. College, P.S. Motihari, District- East Champaran
 47. Khurshid Anwar Son Of Md. Mustaque Ahmad Resident Of Village- Hardiya, P.O. Mathiya Best, District- East Champaran
 48. Upendra Kumar Singh Son Of Late Baidya Nath Singh Resident Of Village &



P.O. Sinhasni, District- East Champaran

49. Awadh Kishore Prasad @ Awadh Kishore Pandey Son Of Rama Kant Pandey Resident Of Village & P.O. Bara Bariyarpur, P.S. Motihari, District- East Champaran
50. Kamleshwar Singh Son Of Late Hardeo Singh Resident Of Village- Chhota Bariarpur, P.S.- Motihari, District- East Champaran
51. Tulsi Chandra Mishra Son Of Late Mahanth Mishra Resident Of Village & P.O. Simri, P.S. Bisfi, District- Madhubani
52. Ramesh Kumar Jha Son Of Late Yogendra Mohan Jha Resident Of Moh-Balbhadrapur, P.O. & P.S. Lahariasarai, District- Darbhanga
53. Ajit Kumar Pathak Son Of Tara Nand Pathak, Resident Of Moh-Balbhadrapur, P.O. & P.S. Lahariasarai, District- Darbhanga
54. Manjar Ali Son Of Late Ghulam Ali Ahmad Resident Of Village & P.O. Milkichak, P.S. Lahariasarai, District- Darbhanga
55. Ajit Kumar Choudhary Son Of Late Lakshmi Narayan Choudhary Resident Of Village & P.O. Hussainpur, P.S. Hussainpur, District- Nalanda
56. Lalan Kumar Son Of Ram Ratan Singh Resident Of Village- Atauwa, P.O. Gonama, District- Nawada
57. Ranjay Kumar Diwakar Son Of Sri Uma Prasad Singh Resident Of Village- New Area, Krishnapuri, Near Ramji Chowk, P.S. Nawada, District- Nawada
58. Sanjeet Kumar Son Of Kameshwari Prasad Resident Of Village- Shakuntalam Nagar, P.S. Nawada, District- Nawada

.... Appellants

Versus

1. The State Of Bihar, through the Principal Secretary, Education Department, Government Of Bihar, Patna
2. The Bihar Education Project Council Through The State Project Director, Siksha Bhawan, Rastrabasha Parishad Campus, Saidpur, Patna- 800004
3. The State Project Director, Bihar Education Project Council Siksha Bhawan, Rastrabasha Parishad Campus, Saidpur, Patna- 800004
4. Satyendra Narayan Rai Son Of Sri Ram Bachan Rai Resident Of Nehru Nagar, Ward No. 20, P.S. Buxar, District- Buxar- 802101
5. Rajeev Ranjan Choudhary Son Of Late Dr. Janardan Prasad Choudhary Resident Of Flat No. 303, Friends Colony, Jamuna Complex, Ashiana, P.S. Patel Nagar, District- Patna
6. Arbind Kumar Son Of Late Sidheshwar Singh Resident Of Village- Maswha Tlpa, P.O. Bikram, District- Patna
7. Arun Kumar Son Of Sri Janardan Prasad Sinha Resident Of Village- Sienawan, P.S.- Wena, District- Nalanda
8. Satish Prasad, Son Of Mahesh Prasad Resident Of Mohalla- Navneet Colony, B-32, Bailey Road, P.S. Rupaspur, District- Patna
9. Ratnesh Kumar Son Of B.N. Srivastava, Resident Of Kumar Kutir, Sita Ram Nagar, Nai Bazar, P.S. Town Buxar, District- Buxar
10. Aditya Narayan Rai Son Of Dev Narayan Rai Resident Of Moh- Sumeshwar Asthan, Jail Road, P.O. Central Jail, P.S.- Buxar Town, District- Buxar
11. Shailendra Kumar Son Of Upendra Nath Thakur Resident Of Thakur Sadan, Teachli'S Colony, Charitravan, P.S. Buxar Town, District- Buxar
12. Manoj Kumar Singh Son Of Late Bhagwan Singh Resident Of Village- Mungaon, P.O. Mungaon, P.S. Kuran Sarai, District- Buxar
13. Virendra Tiwari Son Of Srinath Tiwari Resident Of Village- Chhotaki, P.O. & P.S. Chhotaki, District- Buxar
14. Shashi Prakash Singh Son Of Chandra Shekhar Singh Resident Of Village-



- Bharakhwa, P.O.- Kakariya, P.S.- Dhansoin, District- Buxar
15. Bijendra Kumar Singh Son Of Sri Ram Surat Singh Resident Of Village- Fagutola P.O. Kopwaon, P.S. Kuran Sarai, District- Buxar
 16. Jai Ram Singh Son Of Sri Ghaul Singh Resident Of Village & P.O. Barka Dhakaich, P.S.- Krishna Baraham, District- Buxar
 17. Ramashray Singh Son Of Kedar Nath Singh Resident Of Village & P.O.- Jigna, P.S. Dinara, District- Rohtas
 18. Ramakant Yadav Son Of Sri Kuwarbig Yadav Resident Of Village- Purnea, P.O. Mandrauli, P.S. Majhrool Haque, District- Siwan
 19. Vijay Shankar Mishra Son Of Late Ram Sunder Mishra Resident Of Village- Surphuddinpur, P.O.- Khoripaker, P.S. Balia, District- Balia (U.P.)
 20. Ram Ekbal Prasad Son Of Sri Ram Prasad Resident Of Village- Jamalpur, P.O. & P.S. Ander, District- Siwan
 21. Ravi Shankar Prasad Yadav Son Of Sri Ramdeo Prasad Resident Of Village & P.O. Chorma, Bhagwanpur Hat, P.S. Bhagwanpur, District- Siwan
 22. Anuj Kumar Srivastava Son Of Late Tarkeshwar Nath Srivastava Resident Of Village- Anand Nagar, P.O. Siwan, District- Siwan
 23. Arbind Kumar Son Of Sri Rajendra Prasad Singh Resident Of Village- Nai Basti Mahadewa, P.S.- Siwan, District- Siwan
 24. Shashi Bhushan Pandit Son Of Bikrama Pandit Resident Of Village- Bal Bangara, P.O. Maharajganj, P.S.- Daraunda, District- Siwan
 25. Chhathu Lal Choudhary Son Of Late Babu Lal Choudhary Resident Of Village- Harkhauri West Tola, P.O. Mirganj, P.S. Hajipur, District- Gopalganj
 26. Tarkeshwar Prasad Sahu Son Of Late Ram Lochan Sahu Resident Of Village- Chakthkwati Kutiyari, P.O. Lakhani, District- Vaishali
 27. Vinay Sagar Son Of Akshay Kumar Resident Of Village- Devara, P.S. Konch, District- Gaya
 28. Dhanlal Sao Son Of Late Nandu Sao Resident Of Village- Makhdumpur, P.O.- Makhdumpur, P.S.- Makhdumpur, District- Jehanabad
 29. Sachida Nand Singh Son Of Late Sita Ram Singh Resident Of Village- Rewra, P.S. Kashichak, District- Nawada
 30. Kishore Mohan Sinha Son Of Late Nanhak Yadav Resident Of Village- Shahwajpur, P.S. Chandauti, District- Gaya
 31. Hare Krishna Roy Son Of Ashok Lal Roy Resident Of Village- Jagdishpur, P.O. Tajpur, P.S. Bhagwanpur, District- Begusarai
 32. Prabhanjan Kumar Son Of Late Deo Narayan Yadav Resident Of Village & P.O. Bari Ballia, P.S. Balia, District- Begusarai
 33. Shiv Prakash Roy Son Of Late Dinesh Roy Resident Of Village & P.O. Nawada, P.S. Bhagwanpur, District- Begusarai
 34. Angad Singh Son Of Late Lakhan Singh Resident Of Village- Musadpur, P.O. Tiltrath, P.S. Barauni, District- Begusarai
 35. Rajesh Kumar Singh Son Of Late Nand Kishore Singh Resident Of Moh- Sri Krishnapur, Ward No. 20, P.O. & P.S. Begusarai, District- Begusarai
 36. Ramashish Kumar Son Of Late Pyarelal Singh Resident Of Village- Sathopur, P.O. Maghra, P.S. Deepnagar, District- Nalanda
 37. Krishnandan Prasad Singh Son Of Sri Harihar Prasad Singh Resident Of Village- Mahrath, P.O. Wajidpur, P.S. Kashichak, District- Nawada

.... Respondents

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Appearance :

For the Appellants : Mr. Amresh Kumar Sinha, Advocate
Mr. Anil Kumar Choudhary, Advocate



For the State : Mr. Rakesh Prabhat, AC to SC21
For B.E.P. : Mr. Girijish Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
and
HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)
Date: 17-01-2017

There were 92 petitioners before the Writ Court but now the number has dwindled down to 58 in appeal. They had moved the Writ Court challenging an advertisement, which laid down the eligibility condition with regard to age fixing the maximum age to be 50 years as on 01.07.2013.

2. The appellants were said to be working as Technical Supervisors on contract under Bihar Education Project Council. They worked for a long period of time. They have educational qualification of B.Sc. Engineering (Civil) and their grievance was that if the maximum age fixed in the advertisement was not interfered with, their right for regular appointment is being defeated by such a clause.

3. Two aspects emerge from the decision of the learned Single Judge. One, that it is not for the courts to decide as to what should be the maximum age for appointment on a post so advertised by an authority and second, that the position and post, which was advertised is totally different from the post on which the appellants were working on contract. The two are distinct and separable and,



therefore, the issues ought not to be mixed.

4. Both the reasons and rationality offered by the learned Single Judge in rejecting the writ application by not interfering with the condition of eligibility of age, are valid considerations in law.

5. Counsel for Bihar Education Project submits that it was at the instance of these appellants that the authorities had extended the maximum age from 45 to 50 years. Even after such a concession, if they do not become eligible, the respondents cannot go by the dictates of the appellants and according to what suits them best.

6. No case is made out to interfere with the order of the learned Single Judge, passed in CWJC No.15942 of 2013, dated 19.08.2013.

7. Appeal is dismissed.

(Ajay Kumar Tripathi, J.)

(Nilu Agrawal, J.)

S.Kumar/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	18.01.2017
Transmission Date	NA

