

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.17632 of 2017

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1. Paritosh Kumar Giri, son of Sri Vidyasagar Giri, resident of Village- Godhna Mathia, P.O.+ P.S.- Revelganj, District- Saran, presently posted as Stenographer, Civil Court, Jamshedpur (Jharkhand).
 2. Purushottam Kumar, son of Sri Umesh Chandra, resident of at+ P.O.- Koshla, P.S.- Nardiganj, District- Nawada (Bihar), presently posted as Stenographer, Court of Sessions, Gurudashpur (Punjab).

.... Petitioner/s

Versus

1. The State of Bihar through the Law Secretary, Government of Bihar, Patna.
2. The Registrar General, Patna High Court, Patna.

.... Respondent/s

with

Civil Writ Jurisdiction Case No. 18002 of 2017

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Ravi Srivastava, son of Sri Ram Chandra Prasad, resident of Mohalla-Chowk Shikarpur, Police Station-Chowk Patna City, District Patna

.... Petitioner/s

Versus

1. The High Court of Judicature At Patna through its Registrar General
2. The Registrar (Establishment), Patna High Court, Patna

. Respondent/s

Appearance :

(In CWJC No.17632 of 2017)

For the Petitioner/s : Mr. Patanjali Rishi, Adv.

For the State : Mr. Mithilesh Kumar Upadhyay, A.C. to G.P.3

For the High Court : Mr. Bindhyachal Singh, Adv.

(In CWJC No.18002 of 2017)

For the Petitioner/s : Mr. Prashant Kumar Sinha, Adv.

Mr. Vipin Kumar Singh, Adv.

For the High Court : Mr. Piyush Lal, Adv.

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 07-12-2017

Heard Mr. Patanjali Rishi, learned counsel for the petitioners in
C.W.J.C. No. 17632 of 2017, Mr. Prashant Kumar Sinha, learned
counsel for the petitioner in C.W.J.C. No. 18002 of 2017 and Mr.



Bindhyachal Singh and Mr. Piyush Lal learned counsel for the Patna High Court in the respective writ petitions and counsel for the State.

The petitioners are applicants to the employment notice bearing No. P.A/1/2017 for the post of Personal Assistant on the vacancies so advertised. Since they have not received their admit cards for the examination to be held on 10.12.2017 that after approaching the Committee constituted by the High Court in this regard, they have filed the present writ petition.

Mr. Bindhyachal Singh learned counsel appearing for the High Court in C.W.J.C.No.17632 of 2017 and Mr. Piyush Lal appearing in the second writ petition submit that the claim of these petitioners have been considered and rejected by the Committee so constituted to examine the grievance of the applicants for such appointment inter alia on grounds that they are over age and are not entitled to age relaxation. Learned counsel for the petitioners while submitting that they are yet to receive the communication of rejection, argue that the applicants are employed in District Courts viz Jharkhand, Punjab & Uttarakhand and thus being employees of the respective State Courts, they are equally entitled to the relaxation. While petitioner No.1 in C.W.J.C.No.17632 of 2017 is an employee of the Civil court in the State of Jharkhand, the petitioner No.2 is an employee of the Civil court at Punjab and the sole petitioner in C.W.J.C.No.18002 of 2017,



is an employee of the High Court of Uttarakhand.

A copy of the proceedings has been produced by Mr. Lal and which shows that the Committee on consideration of the fact that these petitioners were neither employees of the State Government of Bihar or the Union of India nor under the administrative control of this High Court, their claims have been rejected. It is argued by Mr. Rishi and Mr. Sinha appearing for the respective petitioners that since the stipulation present in the advertisement at paragraph 3(iv) does not clarify the term 'State Government' it would include the State Government(s) across the country. According to Mr. Rishi even the statutory rules regulating the appointments do not make any such clarification.

I have heard learned counsel for the parties and I have perused the records.

The stipulations in the advertisement as well as the rules have to be given a purposeful construction and thus when the rules/advertisement refers to the term 'State Government', unless the provisions present gives an inclusive interpretation it would mean the Government of the State of Bihar. Thus when the advertisement inter alia gives age relaxation to those employed with State Government or the Union of India it would mean those under the employment of the State Government of Bihar or the Central Government.



Another aspect of the matter which does not persuade this Court to grant indulgence to the prayer made is, that while the stipulation very clearly grants relaxation to those employed with State Government or Union of India, those employed in courts subordinate to the Patna High Court have been classified separately and does not club them with the State Government employees. It again grants no such relaxation to Court employees in other part of the country.

Now where the advertisement itself classifies the employees with the State Government/Union of India/Courts subordinate to Patna High Court, separately for the purpose of relaxation, the petitioners herein employed in the Civil Courts of Jharkhand and Punjab and the High Court of Uttarakhand, can not claim inclusion in expanded interpretation of the word 'State Government' because the court employees have been treated as a separate class and not employees of the State Government and further the term 'State Government' in the present context would mean the Government of the State of Bihar.

In view of the stipulations so present, the petitioners will have to be considered under the general category and since admittedly they are not found eligible on age grounds, they could not have been issued admit card.

In view of the stipulations so clear, I am not persuaded to grant



indulgence to the decision of the respondents in not issuing admit cards to these petitioners on their being over age.

Mr. Lal informs that the decision of the Committee would be uploaded on the Website. Let the same be also communicated to the petitioners individually.

Let the decision so produced be maintained on the records of the proceedings.

The writ petitions are accordingly dismissed.

(Jyoti Saran, J)

Bibhash/-

AFR/NAFR	A.F.R
CAV DATE	NA
Uploading Date	08.12.2017
Transmission Date	NA

