

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6948 of 2017

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1. Rakesh Kumar, aged about 56 years, son of Late Kashi Prasad, resident of Dighwara, Police Station- Dighwara, District- Saran.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Health Department having his office in Vikas Bhawan, New Secretariat, Bailey Road, Patna.
2. The Additional Secretary, Health Department having his office in Vikas Bhawan, New Secretariat, Bailey Road, Patna.
3. The Joint Secretary, Health Department having his office in Vikas Bhawan, New Secretariat, Bailey Road, Patna.
4. The Bihar Public Service Commission through its Secretary, 15, Bailey Road, Patna.
5. The Special Secretary-cum-Examination Controller, Bihar Public Service Commission, Bailey Road, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rupak Kumar, Adv.

For the Respondent/s : Mr. Ramadhar Singh- GP25

For the BPSC : Mr. Sanjay Pandey, Adv.

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 24-05-2017

Heard learned counsel for the parties.

The petitioner is aggrieved by the withdrawal of the age relaxation granted to the in service doctors present in the advertisement enclosed at Annexure-P/1 of the writ petition which inter alia granted a 5 years age relaxation to the in service doctors and has been recalled by the corrigendum present at Annexure-20 to the I.A.No.3693 of 2017. Since the corrigendum seeks to withdraw the relaxation provided in the advertisement that counsel for the State and Commission was directed to seek instructions as to the reason therefor



and when the matter is taken up today that Mr. Pandey learned counsel for the Commission has invited the attention to this court to the Senior Resident/Tutor and Bihar Medical Education Service Recruitment, Appointment and Promotion (Amendment) Rules, 2013 to submit that whereas the amendment to Rule 6 in terms of Clause (2) of the Amendment Rule provides for a relaxation of 5 years for appointment to the post of Senior Resident/Tutor, the amendment to rule 7 vide Clause (3) of the Amendment Rule while prescribing a maximum age limit of 45 years for Assistant Professor for general candidate but for in service candidate, the age has been enhanced to 50 years giving a 5 years age relaxation to in service candidate. In reference to Rule, it has submitted by Mr. Pandey that the extra indulgence granted to the in service candidates by the advertisement at Annexure-P/1 has been recalled by the corrigendum which is in tune with the statutory prescriptions.

Although the argument of Mr. Pandey is sought to be contested by Mr. Rupak Kumar learned counsel for the petitioner in reference to the other advertisements which has been enclosed in the writ petition to term the withdrawal as an act of arbitrariness but in my opinion the argument is misconceived for the advertisements relied upon by the learned counsel are either for the period prior to the



enforcement of the amendment rules or in relation to the other service appointments.

No cause for indulgence is made out.

The writ petition is dismissed.

Bibhash/-

(Jyoti Saran, J)

AFR/NAFR	AFR
CAV DATE	NA
Uploading Date	31.05.2017
Transmission Date	NA

