

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.1388 of 2016
Arising out of
Civil Writ Jurisdiction Case No. 8588 of 2015**

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1. Gangesh Kumar Chaudhary, S/o Shri Raghunandan Choudhary, R/o village + P.O.+ P.S. Jhakhra, District Samastipur.
 2. Kali Kant Choudhary, S/o Shri Narayan Choudhary, Ward No. 13, Refugee Colony, District- Saharsa.

.... Appellant/s

Versus

1. The State of Bihar, through the Agriculture Production Commissioner, Govt. of Bihar Patna.
2. The Chief Secretary, Government of Bihar Patna.
3. The Agriculture Production Commissioner, Govt. of Bihar, Patna.
4. The Secretary, Personnel & Administrative Department , Govt. of Bihar, Patna.
5. The Director, Agriculture, Bihar, Patna.
6. The Dy. Secretary (establishment) Agriculture Department, Bihar Patna.
7. The Bihar Staff Selection Commission, through its Secretary,
8. Siyaram Sahu, S/o Late Sukhdeo Sahu, R/o village + P.O. Dullipati, P.S- Jaynagar, District- Madhubani.
9. Rakesh Kumar, M.I.G.-205, Near Doctor's Colony, P.S. Kankarbagh, Distt- Patna-20.
10. Shamsheer Alam, S/o Wali Mohammad, R/o village-Lakhna P.O.+P.S.Chakand, Dist-Gaya.
11. Navin Kumar Singh, C/o Shri Ishwari Prasad Singh, Resident of Village + P.O. tetraharh, via +P.S. Ankhorh Gola, District- Rohtas Presently Posted as Deputy Project Director ATMA, Kaimur.
12. Dheer Prakash Dheer, S/o Sh. Janardan Trivedi, Resident of mohalla- New Colony, Mishra Tola, Gannipur, P.S.+ Dist- Muzaffarpur-842001.
13. Raman Kumar, S/o Late Mithilesh Kumar Azad, Resident of Village- Ganipur, Manpur, P.O. + P.S. Bhartipur, District- Vaishali.

.... Respondent/s

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Appearance :

For the Appellants	:	Mr. Sharda Nand Mishra, Advocate Mr. Dhananjay Kumar Gupta, Advocate
For the State	:	Mr. Chittranjan Sinha, PAAG-2 Mrs. Ratna Kumari, A.C. to PAAG-2
For the Commission	:	Mr. K.K. Upadhyay, Advocate Mr. C.B. Das, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 09-05-2017



Seeking exception to an order dated 22.01.2016 passed by the learned Writ Court in C.W.J.C. No. 8588 of 2015 this appeal has been filed under Clause 10 of the Letters Patent.

2. The issue pertains to grant of age relaxation in the matter of appointment of Agriculture Coordinators in the Agriculture Department, State of Bihar.

3. The Bihar Staff Selection Commission issued an advertisement on 29.04.2015 for filling up the post of Agriculture Coordinators. In the advertisement, maximum and minimum age criteria was laid down but to such of the persons who were already working on contract basis in the department as Agriculture Coordinator, certain age relaxations were granted. *Inter alia* contending that the age relaxation is being granted only to persons working on contract basis as Agriculture Coordinators and not to other contract employees like the appellants who were working as Deputy Project Directors on contract basis, the writ petition was filed.

4. The learned Writ Court found that if age relaxation is only being granted to Agriculture Coordinators working on contract basis, when the appointment is for the post of Agriculture Coordinator, there is no discrimination or violation of Article 14 of the Constitution as an Agriculture Coordinator working on contract basis and a Deputy Project Director (ATMA) working on contract



basis form two different class and in not granting age relaxation to persons like the appellants who were working as Deputy Directors on contract basis, no error has been committed.

5. We find the order passed by the learned Writ Court and the reasons given to be in accordance to the requirement of law. Grant of age relaxation is an administrative action based on policy decision to be taken by the Government and in this case while making appointment on the post of Agriculture Coordinators, if the department had granted age relaxation only to such of the persons who were working as Agriculture Coordinators on contract basis, we find no error in the same warranting interference as the said decision cannot be termed as arbitrary or unreasonable violating Article 14 of the Constitution.

6. The Letters Patent Appeal is, accordingly, dismissed.

(Rajendra Menon, CJ)

(Sudhir Singh, J)

P.K.P.

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
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