

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1283 of 2017

IN

Civil Writ Jurisdiction Case No. 12947 of 2011

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Abhay Kumar Sinha son of late Upendra Prasad, resident of Chitragupta Nagar,
Pokharia, Ward No..37, P.S. Sadar Begusarai, district Begusarai & Ors

.... Appellant/s

Versus

Ram Khelawan Paswan son of late Raso paswan, resident of village Dhabauli, P.S.
Mufassil, district Begusarai & Ors.

.... Respondent/s

with

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Letters Patent Appeal No. 1785 of 2016

IN

Civil Writ Jurisdiction Case No. 12947 of 2011

- =====
1. Ram Khelawan Paswan son of Late Raso Pawan resident of village -
Dhabauli, P.S. - Mufassil, District - Begusarai.
 2. Kedar Thakur son of Late Batoran Thakur, resident of village - Anandpur,
P.S.S. Nagar, District - Begusarai.

.... Appellant/s

Versus

1. The State of Bihar
2. The Chief Secretary, Government of Bihar, Patna.
3. The Secretary, Department of Personnel and Administrative Reforms,
Government of Bihar, Patna.
4. The Divisional Commissioner, Munger
5. The District Magistrate, Begusarai.
6. Ramdeo Pawan son of Late Triveni Paswan
7. Ram Shankar Mahto son of Aghnu Mahto, resident of village - Hardia Tola,
P.O. - Chilmil, District - Begusarai.
8. Ahmad Ali son of Md. Azim resident of village and P.O. - Chilmil, P.S. -
Mufassil, District - Begusarai.



9. Gyan Chand Pathak son of Late Shiv Narain Pathak, resident of village - Mehda Shahpur, P.O. - Cheria Bariapur, District - Begusarai.
10. Raj Kumar Pandit son of Late Hazari Pandit resident of Village and P.O. Singhaul, P.S. - Singhaul, District - Begusarai.
11. Deo Narayan Thakur son of Late Shivdani Thakur resident of Village - Kakol, P.S. - Suhirdnagar, District - Begusarai.
12. Mohan Jha son of Late Ambika Jha resident of Village - Bisupur, P.O. - Mirzapur, District - Begusarai.
13. Renuka Devi wife of Ashok Kumar Ishwar resident of vilage - Sinduri, P.O. - Manjhaul, District - Begusarai.

.... Respondent/s

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Appearance :

(In LPA No.1283 of 2017)

For the Appellant/s : Mr. Ajay Kumar Thakur, Adv.
Mr. Avinash Kumar, Adv.
Smt. Babita Kumari, Adv.
Mr. Krishna Chandra, Adv.
Mr. Ritwaj Raman, Adv.
Mr. Nilesch Kumar, Adv.

For the Respondent/s : Mr. Anil Kumar Sinha, GA 1

(In LPA No.1785 of 2016)

For the Appellant/s : Mr. Ravi Ranjan, Adv.
For the Respondent/s : Mr. ANIL KUMAR SINHA-GA1
Ms. Aditi Hansaria, Adv.
Ms. Deepika Sharma, Adv.

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 23-02-2018

Delay of 1 year and 2 days in filing of L.P.A. No.1283 of 2017 appeal is condoned. I.A. No.6745 of 2017 is allowed and disposed of.

Having heard learned counsel for the parties at length and after considering the facts and circumstances of the case as also



the order passed by the Division Bench of this Court on 4.3.2014 in L.P.A. No.427 of 2013, we are of the considered view that merely because the learned Division Bench while disposing of the appeal had directed that no preferential right shall accrue to the employee who had worked earlier on daily wage, it does not mean that the State is precluded from granting age relaxation to the extent work done as the daily wages employees in the past.

On 11.12.2017 we had requested learned counsel appearing for the State to indicate their willingness with regard to granting age relaxation to the appellants for the period they have worked in the category of daily wagers as a one time measure for the selection. From the counter affidavit filed by the State, we find that the Department of Personnel and Administration Reforms has left it to the Secretary of the Department concerned to take a decision in the matter and now the entire selection process has been completed and claim of most of the employees have been rejected on the ground that they are overage.

Taking note of the totality of the facts and circumstances, interest of justice would be met if the appellants are granted one opportunity to participate in the process of selection by granting them age relaxation as a one time measure and, therefore, without interfering into the matter of selection already done, we direct



that in the next recruitment process conducted for the post in question, all the appellants herein, if they are interested, may be granted on their application being submitted, age-relaxation to the extent of period work done by them in the capacity of daily wagers as a one time measure. However, it is made clear that this benefit shall be available to the appellants herein only.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

K.C.jha/-

AFR/NAFR	NAFR
CAV DATE	N/A
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