

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Civil Writ Jurisdiction Case No.4837 of 2016**

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1. Pamala Kumari Wife of Dhirendra Kumar @Dhirendra Kumar Singh Resident of Ayodhya Enclave Flat No. 303, DVC, Colony Road, Yarpur, Police Station Gardanibagh, District Patna.

.... .... Petitioner/s

Versus

1. The High Court of Judicature at Patna through the Registrar Patna.
2. The Registrar General, High Court of Judicature at Patna.

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Rajesh Kumar Singh, Adv.

For the Respondent/s : Mr. Mrigank Mauli, Adv.

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**CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN**

**ORAL JUDGMENT**

**Date: 28-02-2018**

Heard learned counsel for the parties.

The matter relates to the appointment to the post of Personal Assistant in the High Court of Judicature at Patna.

The grievance of the petitioner is that though an appointment letter was issued to her on 12.11.2015 requiring the petitioner to comply with certain formalities but when she approached the office of the Registrar General of the Patna High Court she was not allowed to join. On representation that she was informed vide letter dated 15.01.2016 of the Registrar General impugned at Annexure-11 that she does not possess the eligibility criteria.

I have heard learned counsel for the parties and although a prayer is made for adjournment in absence of the Senior counsel but



in the nature of the contest that engages the present proceedings in my opinion, the result is a forgone conclusion because the petitioner undisputedly does not fulfill the basic eligibility to appear in the selection process.

Although a number of issues on ineligibility of the petitioner to the appointment, is raised in the counter affidavit but the very fact that the petitioner was overage on the date of filing her application in terms of the advertisement present at Annexure-2, the other issues would not require any opinion.

Clause 3(iv) of the advertisement at Annexure 2 required every applicant under the general category to be within the age of 25 years and 35 years as on 7.2.2015. The application filed by the petitioner is enclosed at Annexure-4 to the writ petition and the petitioner does admit her date of birth as 22.01.1977. Meaning thereby, the petitioner was aged more than 38 years as on the cut of date i.e 07.02.2015 and was thus overage for filling such application. Such plea has been specifically taken by the respondent High Court at paragraph 10 of the counter affidavit and which goes uncontested even though a copy of the same was served on counsel for the petitioner on 9.11.2017 i.e more than 3 months back.

In such undisputed circumstances where as per the own document of the petitioner at Annexure-4 she was overage on the cut



of date fixed vide paragraph 3 (iv) of the advertisement at Annexure-2, she was lacking on eligibility qualification for such appointment. In such circumstances, the issuance of the appointment letter can at best be termed as an ‘oversight’ or a bona fide mistake, which has been corrected by the High Court by the intimation present at Annexure-11 which does not suffer any infirmity.

The writ petition is disposed of.

**(Jyoti Saran, J)**

Bibhash/-

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