

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1024 of 2015

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Shilpi Kumari D/o Surendra Pratihasta resident of Village-
Shubhankarpur, P.S. - Kaluahi, District - Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Govt. of Bihar, Patna.
2. The Principal Secretary, Education Department, Govt. of Bihar, Patna.
3. The Director, Higher Education, Govt. of Bihar, Patna.
4. The Chairman, Bihar Public Service Commission, Patna.
5. The Secretary, Bihar Public Service Commission, Patna.
6. The Chancellor of the Universities through its Principal Secretary, Governor's Secretariat, Bihar, Patna.
7. The Principal Secretary, Governor's Secretariat, Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s: Mr. Hemant Kumar Jha, Adv

For the State : Mr. Bishwa Bibhuti Kumar Singh, AC to AG, Bihar

For BPSC : Mr. Sanjay Pandey, Adv

For Chancellor : Mr. R.K. Giri, Adv

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CORAM: HONOURABLE THE CHIEF JUSTICE

And

HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 25-10-2018

1. By way of this petition under Article 226 of the Constitution of India, the petitioner has prayed for an appropriate writ/direction to declare Section 3.4 under Chapter-3 of the statutes for appointment of Teachers



(Assistant Professor Grade) for the Universities of Bihar, 2014 as illegal, ultra vires, unconstitutional and violative of Articles 14, 16 and 21 of the Constitution of India.

2. Heard learned counsel for the respective parties at length.

3. The aforesaid statutes/provision provides the minimum age for appointment to the post of Assistant Professor at 23 years as on January, 1st of the year of advertisement. Therefore, when the advertisement was issued inviting the application for the post of Assistant Professor i.e. on 14.09.2014, the minimum age prescribed was 23 years as on 1st of January, 2014.

4. Therefore, it is the case on behalf of the petitioner that as the statutes namely "statutes for appointment of Teachers (Assistant Professor Grade) for the Universities of Bihar, 2014" has been enacted after 1st of January, 2014, the minimum age of 23 years ought not to have been and could not have been as on 1st of January, 2014.

5. On the aforesaid ground only, the statutes for appointment of Teachers (Assistant Professor Grade) for the



Universities of Bihar, 2014, cannot be said to be illegal, ultra vires or unconstitutional. There shall be and there must be a cut off date for the eligibility, more particularly with respect to the age limit. Therefore, when the advertisement is issued in the year 2014 and the minimum age of 23 years is required to be completed as on 1st of January, 2014, the same cannot be said to be illegal and unconstitutional.

5.1 Section 3.4 of the statutes provides that a candidate must have completed minimum 23 years of age as on January, 1st of the year of advertisement. Therefore, there is a logic and nexus with respect to fixing the minimum cut off date as on January, 1st of the year of advertisement.

6. Under the circumstances, there is no substance in the present petition and the same deserves to be dismissed and is dismissed.

(Mukesh R. Shah, CJ)

(Ashutosh Kumar, J)

Shageer/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	26/10/2018
Transmission Date	

