

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1219 of 2017

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Anirudh Kumar Singh, S/o Shri Ram Naresh Singh, resident of At -
Chitrakoot Nagar, Road No. 9, P.O. Digha, P.S. Danapur, District - Patna
(Bihar), PIN - 800012

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department,
Government of Bihar, Vikas Bhawan, Bailey Road, Patna
2. Secretary, Education Department, Government of Bihar, Vikas Bhawan,
Bailey Road, Patna
3. Director, Education Department (Secondary Education), Government of
Bihar, Vikas Bhawan, Bailey Road, Patna
4. Joint Director, (Secondary Education), Education Department, Budha Marg,
Patna
5. Patna Municipal Corporation through its Commissioner, Maurya Lok, Patna
6. Commissioner, Patna Municipal Corporation, Maurya Lok, Patna
7. Bihar School Examination Board through its Secretary, Patna
8. District Education Officer, Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Sinha, Advocate
For the Respondent/s : Mr. Kameshwar Kumar-Gp17

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

5 01-05-2018 Heard learned counsel for the petitioner and learned

counsel appearing on behalf of the State as well as Patna

Municipal Corporation.

The only issue warranting adjudication in the present
application is whether the notification dated 19.7.2012,
Annexure-5 is applicable to the case of the petitioner or not.

Learned counsel for the petitioner submits that the
tenor of Annexure-5 is very clear that it would apply to the cases
of all applicants for appointment who are within the age



prescribed at the time of passing the TET irrespective of the fact whether the recruitment process was undertaken in 2012 or in subsequent years because that power was exercised under Clauses 16 and 17 of the Elementary School Teachers Employment Rules, 2012 and Secondary/Higher Secondary Teachers Employment Rules, 2012, whereas counsel for the respondents submits that the notification is confined to the cases of 2012 and not in case where the recruitment process was undertaken subsequent thereto. A plain reading of notification contained in Annexure-5 would indicate that the power was exercised under Clauses 16 and 17 of the 2012 Rules. It was not a power exercised for the particular recruitment process or selection in the year 2012.

Considering the aforesaid, the Court is of the considered view that the candidates who have passed TET and on the date of passing TET was within the age limit prescribed, in their cases the notification applies and whenever the respondents undertake the selection process the candidature of such candidates who passed TET and on the date of passing TET was within the age limit prescribed shall be eligible and their cases has to be considered after relaxing the age limit in terms of the notification, Annexure-5.



In view of the above, the respondents are directed to consider the case of the petitioner for relaxing the age in terms of the notification contained in Annexure-5 and take appropriate decision for selection in accordance with law. The respondents are required to consider the case of the petitioner in the selection process if otherwise eligible.

With the aforesaid, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

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