

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11260 of 2017

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1. Anil Kumar Jha, Son of Sri Shashidhar Jha, resident of Village, P.O. and P.S.- Morahpur, District- Saharsa, presently posted as Prakhand Sankhyak i Parvekshak, Madhepura Prakhand.
 2. Santosh Kumar Singh, Son of Sitaram Singh, resident of Village and P.O. Sukhan Chakla, District- Madhepura, presently posted as Senior Division Clerk, Head Assistant at Collectorate, Madhepura.
 3. Ajay Kumar Verma, Son of Late Harilal Das, Resident of village- Jorgama, P.S. Murliganj, District- Madhepura, presently, Head Clerk, Circle Office, Madhepura.
 4. Ajay Kumar Singh, Son of late Suresh Narayan Singh, resident of Village & P.O.- Digdhi- Murliganj, Murliganj, District- Madhepura, presently posted as Senior Division Clerk, Head Assistant at Collectorate, Madhepura.
 5. Umesh Kumar, Son of Late Kameshwar Prasad Yadav, resident of Village & P.O. Bhagipur, P.S. Alamnagar, District- Madhepura, presently posted as Senior Division Clerk at Circle Office, Madhepura Circle, District- Madhepura.
 6. Dharendra Prasad Singh, son of Late Sahdeo Singh, resident of Village & P.O. Murlichandwa, P.S.- Udakishunganj, District- Madhepura, presently posted as Revenue Clerk, at Anchal- Sadar Office, Madhepura.
 7. Deonarayan Mehta, son of Ramswaroop Mehta, resident of Village- Bachnu Chakla, P.O. Ratanpur- Via- Karjain Bazar, District- Supaul, presently posted as Revenue Clerk, at Anchal- Sadar Office, Madhepura.
 8. Tara Kumari, Wife of Abhay Kumar Yadav, Resident of Village & P.O.- Bailodih, P.S. Murliganj, District- Madhepura, presently posted as Lower Division Clerk, at Anchal- Sadar Office, Madhepura.
 9. Mithilesh Jha, Son of Late Suresh Jha, resident of Village & P.O. Wamangama, P.S.- Bihariganj, District- Madhepura, presently posted as Lower Division Clerk, at Block Office, Madhepura.

.... Petitioner/s

Versus

1. The State of Bihar, through Principal Secretary, General Administration Department, Government of Bihar, Patna.
2. Principal Secretary, Rural Development Department, Government of Bihar, Patna.
3. The District Magistrate, Madhepura.
4. Deputy Development Commissioner, Madhepura.
5. Deputy Collector, Madhepura.
6. Treasury officer, Madhepura.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Sinha

For the Respondent/s : Mr. PARTHA SARTHI-GA4

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL JUDGMENT

Date: 17-04-2018



The present writ petition has been filed for issuance of a direction to the respondents to grant the benefits of annual increment as well as other benefits like ACP without the respondents insisting upon compliance of the provisions of passing the departmental examination, on the ground that the requirement of passing the departmental examination, has been relaxed for the employees who have crossed the age of 50 years.

2. The learned counsel for the petitioners has relied upon several letters/ notifications/ circulars of the State Government regarding relaxation having been granted to the employees from appearing in the computer competency examination or passing of the departmental examination, specially to those employees who have crossed the age of 50 years. Such circulars are at Annexure-1 to the writ petition, details whereof are not required to be reproduced in the present judgment. The learned counsel for the petitioners has also referred to office order as contained in Memo no. 1640 dated 18.11.2013 issued by the District Magistrate, Begusarai and the order dated 9.6.2015 issued by the District Magistrate, Madhepura whereby and whereunder the concerned head of the office as well as Section Officer and the other officials concerned have been directed that in view of the various circulars and policy of the State Government, the persons, who have attained the age of 50 years, should be exempted



from passing the computer competency examination as well as the departmental examination. The learned counsel for the petitioners has further referred to the notification of the General Administration Department bearing No. 1609 dated 24.05.2011 whereby and whereunder in Clause 4 (c), it has been stipulated as follows:-

“Notwithstanding the aforesaid provisions, the provisions regarding age relaxation with respect to passing of examination, if made in any service / cadre Rules, shall remain effective. The instruction issued from time to time with respect to relaxation in passing the departmental examination, for government servants who have completed 50 years of age, on fulfilling certain conditions shall remain effective in such cases also.”

3. The aforesaid contention of the learned counsel for the petitioners has not been disputed by the learned counsel for the State. In fact, the issue involved in the present case is no longer *res integra* and the same has been decided by this Court in a judgment dated 10.4.2018 passed in CWJC No.7145 of 2017 as well as in a judgment reported in *2013(1) PLJR 747 (Shri Narayan Pandit vs. The State of Bihar)*.

4. In view of the admitted position that those employees who have crossed the age of 50 years have been granted relaxation from passing of either the departmental examination or passing the computer competency examination, I find that there is no impediment in directing the respondents to grant the benefits of annual increment/ ACP etc. as admissible to the petitioners herein.



5. For the reasons mentioned herein above, the writ petition is allowed and the respondent no.3 is directed to examine the case of the petitioners herein and in case they have crossed the age of 50 years, the respondent no.3 shall direct for grant of such annual increment and other benefits to which the petitioners herein would be entitled to on account of them being exempted from passing the departmental examination/ appearing in the computer competency examination by virtue of crossing the age of 50 years.

6. The said exercise should be completed within three months from today and consequential benefits should be paid immediately thereafter.

(Mohit Kumar Shah, J)

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AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	08.06.2018
Transmission Date	

