

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18880 of 2017

Ashwani Kumar Sinha S/o Sri Kapildev Narayan Prasad, R/o House No. N.A.
-1/29, New Alkapuri, Gardanibagh, P.S.- Gardanibagh, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, General Administrative Department, Government of Bihar, Patna.
3. The Bihar Public Service Commission , 15, Jawahar Lal Neharu marg (Bailiy Road), Patna, through its Secretary.
4. The Chairman, Bihar Public Service Commission, 15, Jawahar Lal Neharu Marg (Bailey Road), Patna, through its Secretary.
5. The Additional Secretary Cum Examination Controller, Bihar Public Service Commission, Jawahar Lal Neharu Marg (Baily Road), Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Hriday Kant Mishra, Adv.
For the Respondent/s	:	Mr. Sheo Shankar Prasad -SC8
For the B.P.S.C.	:	Mr. Satyabir Bharti, Adv.
		Ms. Aparna Arun, Adv.

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date : 24-07-2018

Heard learned counsel for the petitioner, counsel for the State as also counsel for the Commission.

In this case, the petitioner is seeking relief to step up the upper limit of age for candidates of different categories.

The relief has been sought in connection with 63rd Joint Examination of Bihar Public Service Commission and, for that, 37 years of age has been fixed for general category candidate, 40 years for unreserved female candidate, backward candidate and



most backward caste (male and female) and for scheduled castes and scheduled tribe, the age has been fixed as 42 years as on 1.8.2017.

Learned counsel for the petitioner has submitted that earlier the Government has conducted the joint examination for 56th to 59th and they have fixed different cut-off date for different examination as has been mentioned in paragraph no.9 of this writ application. In the same manner, in the 60th to 62nd joint examination, different cut-off dates were fixed for different years of examination as 63rd examination has been delayed and, as such, the age for participation in examination be stepped up.

Learned counsel for the B.P.S.C. submits that there is no back-log and this is the single examination of 63rd joint examination of B.P.S.C., so the cut-off date has been fixed as on 1.8.2017 and there is no arbitrariness in fixing the cut-off date.

Learned counsel for the petitioner has brought to the notice of this Court Annexure-A of the counter affidavit filed by the State wherein the Additional Secretary, Government of Bihar has written a letter to all department that every year there should be an audit of the posts and that should be communicated to the B.P.S.C. year-wise and, for any other reason, if the examination was not conducted and the candidates were eligible to appear and another year the examination is not conducted, in such circumstances,



the relaxation of age should be granted to the candidates but, the question in the present case is that the 61st to 62nd joint examination was conducted and, in terms of this letter, the Commission fixed different cut-off dates taking into account that the maximum number of persons would participate in the examination but, in a single joint entrance test, there cannot be different cut-off date and so far the fixation of minimum and maximum age is concerned, it lies within the domain of the executive and this Court would not interfere in the matter.

This Court does not find any merit in the present writ application and the same is, accordingly, dismissed.

(Shivaji Pandey, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	31.07.2018
Transmission Date	NA

