

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.18005 of 2017

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Prince Pundrik Son of Sri Paras Kumar resident of Sweety Niwas, Mahesh Nagar,
Road No. 1, P.S. - Patliputra, District - Patna.

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, General Administration Department, Bihar, Patna.
2. The Secretary, Bihar Public Service Commission, Bihar, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Chitranjan Singh, Senior Advocate Mr. Prabhu Nath Pathak, Advocate
For BPSC	:	Mr. P. N. Sahi, Senior Advocate Mr. Sanjay Pandey, Advocate
For the Respondent/s	:	Mr. P.K. Verma -AAG3 Mr. Saroj Kumar Sharma, AC to AAG.3

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 10-08-2018

Heard learned counsel for petitioner and learned counsel for the State as well as learned counsel for the Bihar Public Service Commission.

In the present writ petition, the petitioner has raised a grievance that the Bihar Public Service Commission (hereinafter referred to as “Commission”) as well as the State has wrongly fixed the cutoff date as on 01.08.2017 i.e. on that date the petitioner must attained the age of 21 years, whereas it should have been fixed on 06.12.2017 that is the last date of receipt of the application as per advertisement no. 2 of 2017.



The short fact of this case is that the Commission has issued an advertisement no. 2 of 2017 calling upon interested persons to participate in the recruitment of Assistant Engineer (Civil), the last date for receipt of application was fixed on 06.12.2017 but the candidate must attend age of 21 years on 01.08.2017.

The grievance has been raised by the petitioner that as per Rule, minimum age prescribed is 23 years which has wrongly been fixed as 21 years. But it will not help to the petitioner as he is under age, even the minimum age, has been fixed at 21 years. Further, a grievance has been raised that he is going to attained the age of 21 years on 20.11.2017 before the last date of receipt of application and prayer has been made that cutoff date for age of 21 years should be last date of receipt of the application, has placed reliance on the circular dated 23.01.2006 (Annexure 5), and has drawn the attention some of the stipulation mentioned therein postulates that the examination has to be conducted on every year. Circular No. 3/M-90/2005 Ka-212/Patna, dated 23.01.2006 stipulates that Personal and Administrative Department would send a requisition to the Commission on 30th April each year, accordingly the advertisement would be published for recruitment of eligible candidate, accordingly the cutoff date should be fixed on 01st August of that year. In the said circular it has been mentioned that this procedure would ensure, the Commission would



conduct examination every year, failure to follow schedule of examination the department has stipulated in paragraph no.3, if the examination of recruitment is not conducted years together, in that circumstances, proper cutoff date should be fixed taking into account candidates who was eligible in that particular year be not deprived of an opportunity to avail chance of appearing in the examination. Emphasis has only been given, as per circular, the Government should go for recruitment in each year but the experience is that the Government is not conducting examination for years together and after a long gap Government comes out for an advertisement and selection of the candidates takes years together, prayer has been made to give direction that Government should conduct examination every year. The circular is already there.

Considering the circular, this Court is of the view, that examination for recruitment should be held every year in terms of circular issued by the Government dated 23.01.2006 which prescribes that the vacancy should be identified every by 1st April, requisition should be sent by 30th April, advertisement should be published on 15th July and cutoff date should have been fixed as 01st August of that year. It is excepted that Government should follow its own circular for conducting the examination and recruitment of Assistant Engineer.

With the aforesaid observations and directions this writ petition



is disposed of.

(Shivaji Pandey, J)

Vinay/Sunny

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	18.08.2018
Transmission Date	NA

