

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.18499 of 2018

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Shaktimaan Bharti S/o Sri Ram Chandra Prasad Bharti Resident of Bharti Niwas, Budh Marg, New Damaria, P.O. Anishabad, P.S. Gardanibagh, Patna-800002

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Principal Secretary, General Administration Department, Govt. of Bihar, Patna.
3. The Principal Secretary, Personnel & Administrative Reforms Department, Govt. of Bihar, Patna.
4. The Law Secretary, Govt. of Bihar, Patna.
5. The Chairman, Bihar Public Service Commission, Bailey Road, Patna, Bihar.
6. The Secretary, Bihar Public Service Commission, Bailey Road, Patna Bihar.
7. The Joint Secretary-Cum-Examination Controller Bihar Public Service Commission, Bailey Road , Patna Bihar.
8. The Registrar General, Patna High Court.

... .. Respondent/s

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Appearance :

For the Petitioner	:	Mr. Shashi Bhushan Kumar, Advocate
For the State	:	Mr. Manish Kumar, G.P.-4
For the BPSC	:	Mr. Lalit Kishore, Sr. Advocate
		Mr. Satyabir Bharti, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)



Date : 10-10-2018

1. By way of this petition under Article 226 of the Constitution of India the petitioner has prayed for an appropriate writ, direction, or order directing the respondents, more particularly the Bihar Public Service Commission to modify the cut off date of minimum age, which has been fixed as 22 years as on 01.08.2017 in the Advertisement No. 06/2018 published for the 30th Bihar Judicial Service Competitive Examination, Civil Judge (Junior Division).

2. The only submission on behalf of the petitioner is that as per Rule 6(a) of The Bihar Civil Service (Judicial Branch) (Recruitment) Rules, 1955 (hereinafter referred to as the "Recruitment Rules, 1955), a candidate must be under 35 year and over 22 years of age on the 1st day of August preceding the year in which the examination is held. It is the case on behalf of the petitioner that as in the present case even the date of examination is yet not announced, the cut off date of minimum age, which has been fixed as 22 years as on 01.08.2017 must be and should be 01.08.2018.

3. Per contra, it is the case on behalf of the Commission as well as the High Court that the cut off date of



minimum age, which has been fixed as 22 years as on 01.08.2017 is absolutely in consonance with the provisions of the Recruitment Rules, 1955. It is submitted that 349 category-wise vacancy calculated up to 31.03.2017 for appointment to the post of Civil Judge (Junior Division) was communicated to the Commission and thereafter as the advertisement has been issued/published in the year 2018 and as per Rule 4, the competitive examination is to be held between the months of November and February, even considering Rule 6(a) the cut off date of minimum age as on 01.08.2017 is rightly fixed. It is submitted that as such earlier it was proposed to provide the cut off date of minimum age as on 01.08.2016, however, as per the direction issued by the High Court and as the advertisement was to be published in the year 2018, as per the direction issued by the High Court, the cut off date of minimum age is fixed as 01.08.2017.

4. Heard the learned Advocates appearing on behalf of the respective parties at length.

4.1. At the outset, it is required to be noted that the advertisement has been issued for filling up 349 vacancies for appointment to the post of Civil Judge (Junior Division),



calculated up to 31.03.2017. It is also required to be noted that the advertisement has been issued in the year 2018 and the applications are invited for filling up the aforesaid post by giving the advertisement in the year 2018 which is already now issued by the impugned advertisement in which the minimum age of 22 years is prescribed as 01.08.2017. The fixing of providing cut off date for minimum age of 22 years as on 01.08.2017 is absolutely in consonance with the provisions of the Rules, 1955. Learned Advocate appearing on behalf of the petitioner is heavily relying upon Rule 6(a) and according to him as the date of examination is yet not fixed/declared and, therefore, as per Rule 6(a) of the Rules, 1955, the cut off date of minimum age must be on the 1st day of August providing the year in which the examination is held. However, Rule 6(a) is required to be read along with the other Rule, more particularly Rule 4 which provides that the competitive examination will be conducted by the Commission and will normally be held between the months of November and February. Therefore, on conjoint reading of Rule 6(a) and Rule 4 the cut off date for minimum age of 22 years is rightly fixed as on 01.08.2017, otherwise, there will be no certainty about the date and one date is required to be fixed. Therefore, on conjoint reading of Rule 4



and Rule 6(a) of the Recruitment Rules, 1955 and as the advertisement has already been issued now in the year 2018, the cut off date for minimum age of 22 years is rightly fixed as on 01.08.2017- on the 1st day of August preceding the year.

5. In view of the above and for the reasons stated above, the present writ petition fails and the same deserves to be dismissed and is accordingly dismissed.

(Mukesh R. Shah, CJ)

(Ashutosh Kumar, J)

P.K.P./-

AFR/NAFR	
CAV DATE	
Uploading Date	29.10.2018
Transmission Date	

