

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23026 of 2018

1. Rupnarayan Prasad, S/o Ram Lagan Prasad, resident of C-248, Gandhi Vihar, mukherjee Nagar, North West, Delhi, Delhi – 110009
2. Sanjay Kumar, S/o Dev Nandan Prasad Varma, Q. No.1 Block No. 247/2 Road No.6 PO- Adityapur, Jharkhand – 831013.
3. Gajendra Kumar Sharma, S/o Badri Sharma, resident of village and P.O. Umapur, P.S. Bhagwanpur, District – Kaimur (Bhabua).
4. Dilip Kumar, S/o Jyotish Nuniya Ramoi Nuniya Tola, Tahirpur, Salmara, Katihar.
5. Ravindra Singh, S/o Kalam Singh, 19, Rajeshwari Puram, Near Rajeshwari Nursary, Minkhampur Dehradun, Uttrakhand – 248005
6. Anshul Ratanm, S/o Rameshwar Prasad Bhatnagar, H. No. - 195 – B- 21 Bijnor, U.P. 246701
7. Madhu Visha @ Kumari Madhu, W/o – Vivek Vishal, B- 306, Bhrigu Appartment, Plot No. 4, Sector – 9, Dwarka, Delhi – 110077
8. Ajay Kumar Rao S/o Durgendra Rao, Ward No. 10, Shyampur West Champaran, Bihar – 845438.
9. Md. Equebal Ansari S/o Abual Barkat Ansari Village – Damodarpur, Post – Damodarpur, P.S.- Kanti, P.S.-Kanti, District – Muzaffarpur, Bihar.
10. Prabhash Pathak, S/o Ambrish Pathak, Nilkanth Nagar, Pranwati Lane, PO+PS – Tilkamanjhi, Bhagalpur Pin 812001.
11. Dhananjay Yadav, S/o Motilal Choudhary, Vill-Bali Punak, PO Krom, Siwan, Bihar – 841239.

... .. Petitioner/s

Versus

1. The State Of Bihar, through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, General Administration Department, Government of Bihar, Patna.
3. The Principal Secretary, Cabinet Coordination, Government of Bihar, Patna.
4. The Chairman, Bihar Public Service Commission, Bailey Road, Patna.
5. The Secretary, Bihar Public Service Commission, Bailey Road, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. S. Azeem, Advocate
		Mr. Sanjay Kumar, Advocate
For the Respondent/s	:	Mr. Sanjay Kumar, AC to SC8
For BPSC	:	Mr. D. K. Sinha, Senior Advocate
		Mr. Anil Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL JUDGMENT

Date : 06-12-2018



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

In this case, a prayer has been made to allow the petitioners to participate in the selection process as the Government is going to conduct the 64th Combined Competitive Examination of Bihar Public Service Commission and for that advertisement was published in which the lower and upper age has been fixed.

It is not in dispute that all the petitioners have crossed the upper age limit for entitling them to participate in the selection process. In fact, they have not filled up the forms and the examination of 64th Combined Competitive Examination of Bihar Public Service Commission is to commence on and after 16.12.2018. The last date of submission of the form is already over and learned counsel for the petitioners submits that they should be allowed to participate in the examination subject to the decision taken by the State Government.

It is very much clear from the writ petition that there is no challenge to any of the stipulation mentioned in that advertisement and merely a prayer has been made to allow the petitioners to participate in the selection process though they have not filled up the forms for their respective selection. Every



employer, i.e., Government has a right to fix the lower and upper age.

A grievance has been raised comparing themselves with the Judicial Services and submits that it should be at par with the age meant for the judicial services. There is no pleading at all in the entire writ petition inasmuch as both are two different classes of services and uncomparable to each other merely because the higher upper age has been prescribed in the Judicial Services cannot be the basis to claim the identical upper age limit.

Further, it is submitted that in other States, upper age limit prescribed for selection is higher side cannot be any basis and would not give any legal right to the petitioners to claim that upper age limit would be treated to be applicable in the State of Bihar for administrative service. Every State has a right to fix the lower and upper age limit for selecting the person for different categories of services.

Admittedly, the petitioners have failed to bring on record any material to show that any discrimination has been done with regard to their class by the State of Bihar or by the Bihar Public Service Commission as they are the different class having no nexus with different class of service as it is uncomparable to each other.



In such view of the matter, this Court does not find any merit in the present writ petition calling the Bihar Public Service Commission to file its counter affidavit.

Accordingly, this petition is dismissed *in limine*.

(Shivaji Pandey, J)

V.K.Pandey/
Sunny

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	12.12.2018
Transmission Date	NA

