

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1645 of 2019

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Ram Dutta Bharti, aged about 43 years, son of Basuki Nandan Roy, Resident of Village- Rannuchak, P.O.- Rannuchak Makanpur, P.S.- Nathnagar, District- Bhagalpur

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Bihar Sarkar, Patna
2. The Engineer-in-Chief-cum-Special Secretary, Public Health Engineering Department, Bihar, Patna
3. The Principal Secretary, General Administration Department, Bihar, Patna
4. The Principal Secretary, Revenue and Land Reforms Department, Bihar Sarkar, Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Poddar Suresh Gandhi Advocate
For the Respondent/s	:	Mr.S. Raza Ahmad AAG5

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 31-01-2019 Heard the learned counsel for the petitioner and the State.

The petitioner has approached this Court with a rather untenable prayer of issuance of a direction to the respondent authorities asking for relaxing the minimum age qualification for appointment of desirous persons.

It has been submitted on behalf of the petitioner that an advertisement has been issued for filling up the post of Junior Engineer in the PHED Department on 11.01.2019 with a stipulation that all those persons who have the



eligibility and who are between the age group of 37 to 65 years can apply. It is the case of the petitioner that vacancies existing from before but the process of appointment has been initiated only after nine years and therefore all persons who would have otherwise been eligible if such process would have been initiated earlier, have been left out because of the lower age fixation at 37 years. It is under this background that the aforesaid prayer has been made and in support of the prayer for such relaxation in the lower age, a reference of Resolution No. 240, dated 18.07.2007, issued by the General Administration Department, Government of Bihar, Patna has been taken. The aforesaid resolution which has been brought on record as Annexure- 2 merely states that as far as practicable, for contractual appointments, the outer age limit should be fixed as 45 years. Nowhere in the resolution is there any stipulation with respect to base/minimum age requirement.

True it is that the aforesaid process of filing up of the posts of Assistant Engineer in the PHED Department has been initiated after a long gap of time even though there



was existing vacancies, nonetheless, this Court would not assume the jurisdiction of suggesting any age cap for the desirous applicants. The reason for saying so is that fixation of the age group is in the domain of the executive decision and only the employer knows which category of persons / candidates would be best suited for such contractual appointment.

Be that as it may, since the appointment process has begun after several years, this Court can only direct the petitioner to make a representation before the Engineer-in-Chief-cum-Special Secretary, Public Health Engineering Department, Bihar, Patna for considering the case of such persons, who have become overage and even though they are having all requisite qualifications, because of their having crossed the base minimum age of 37 years, they are not able to apply. On such representation, the Engineer-in-Chief-cum-Special Secretary, Public Health Engineering Department, Bihar, Patna (Respondent No. 2) shall take into consideration that with the raising of the minimum age requirement in the selection process, only the pool of such



candidates would be increased and the employer would have bigger and better choice / option of choosing between various eligible candidates.

Such representation, if filed within a period of two weeks, need be disposed off within a period of four weeks thereafter.

With the aforesaid observation / direction, this writ petition stands disposed off.

(Ashutosh Kumar, J)

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