

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2624 of 2019

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Dr. Akhilesh Kumar (M) aged about 60 years, S/o Late Chandradeo Singh,
Resident of Village-Painal, P.S.-Bihta, District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Department of Health, Government of Bihar, Patna Bihar.
3. The Joint Secretary, Department of Health, Government of Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Siyaram Sahi, Adv.

For the Respondent/s : Mr.Chiranjana Sinha, PAAG-2

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 15-02-2019 A supplementary affidavit has been filed during the

course of hearing of this writ petition. Let it be taken on

record.

2. The petitioner is aggrieved by the condition in

the Advertisement No. 3 of 2018, whereby the maximum

age limit for applying for the post of Assistant Professor to

such persons who are working in the cadre of Bihar Health

Services has been fixed at 50 years.



3. Mr. Siyaram Sahi, the learned counsel for the petitioner has submitted that the aforesaid age-cap of 50 years is unreasonable as any applicant who has been a Senior Resident and Tutor would surely have crossed that age and thus would never be in a position to apply for becoming Associate Professor, which is a higher post on which every Doctor in the service of the Government would aspire to go.

4. This Court has expressed its reservation in accepting the aforesaid argument and striking down the aforesaid age qualification for persons serving in the Bihar Health Service Cadre; nonetheless, without expressing any opinion over the issue, this Court permits the learned counsel for the petitioner to withdraw this petition in order to press his case with the employer, *i.e.*, the Health Department, Govt. of Bihar, Patna for making necessary amendment in the age requirement henceforth.

5. This Court has no difficulty in accepting such an innocuous prayer, where the decision has to be taken by the Employer/the Government.



6. The petition is permitted to be withdrawn with the aforesaid liberty.

7. Dismissed as withdrawn with the liberty aforesaid.

(Ashutosh Kumar, J)

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