

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6892 of 2019

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Deo Narayan Prasad, Male, Age 50 years, Son of Late Ram Govind Sah
Resident of Flat No.201 (B), Vrindavan Apartment, Phase-II, Muhalla-
Malahipakari, West Doctors Colony, P.O. Lohiya Nagar, Kankarbagh,
District-Patna

... .. Petitioner/s

Versus

1. The High Court of Judicature at Patna (Administrative Side) (through its Registrar General), Bihar, Patna
2. The Government of Bihar (Through the Chief Secretary), Old Secretariat, Bihar, Patna
3. The Principal secretary, Law Dept. Government of Bihar, Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Arun Kumar No. 1, Advocate
For the Respondent/s : Mr. S.K. Mandal (S.C-3)
Ms. Neelam Kumari, A.C. to S.C. 3

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE JUSTICE SMT. ANJANA MISHRA

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 05-04-2019

The petitioner is aggrieved on account of the fact
that relaxation of five years for the Reserved Category
Candidates has not been provided in respect of examinations to



be conducted for appointment on the post of District Judge (Entry Level) Direct from Bar.

2. It is submitted that in the Junior Division examination of the Bihar Judicial Services, the said relaxation had been given in the last years.

3. The petitioner has also alleged in Paragraph 7 that since he is over age having crossed the maximum age limit, therefore, his application is not being accepted.

4. It may be placed on record that the present petitioner had come up before this Court in C.W.J.C. No. 2854 of 2019 complaining that he has been deprived of the opportunity to be a candidate for selection and appointment to the post of District Judge (Entry Level) and had been wrongly denied the right to appear in the said examination as he had crossed the age bar on account of the delay in the holding of the examinations. Thus, relaxation was claimed in age for appearing in the examinations. The said writ petition was rejected on 14th of February, 2019, which is reported in **2019 (2) BLJ 649 [Deo Narayan Prasad Vs. The High Court of Judicature at Patna & Anr.]**. The said judgment was also dealt with and followed by another Division Bench in the case of **Ram Yad Yadav Vs. The Hon'ble Patna High Court & Ors.**, reported in **2019 (2) BLJ**



422.

5. It is not understood as to why the petitioner did not raise this issue in the same writ petition which he had filed for relaxation of age where the ground taken was that delay in holding of the examinations had resulted in this prejudice to him. In our opinion, this issue could and ought to have been raised in the very same writ petition and having not done so, another writ petition under the garb of another relief, which is practically for the same cause of relaxation in age, therefore, does not deserve to be entertained.

6. Apart from this, the issue with regard to relaxation in age for Reserved Category Candidates cannot be made a basis for challenge, inasmuch as, such a rule does not appear to have been adopted by the High Court, and even otherwise, once having crossed the age of 50 years, there is no scope for such relaxation being given, as there has to be a reasonable limit of granting of relaxation in age. Looking to the age of the petitioner, who is more than 50 years at present, a request for relaxation up to the age of 55 years would be a mockery of service jurisprudence as such a candidate would be approaching his age of superannuation by the time he gets entry into the service.



7. The writ petition is, therefore, misconceived and is accordingly rejected.

(Amreshwar Pratap Sahi, CJ)

(Anjana Mishra, J)

P.K.P./-

AFR/NAFR	
CAV DATE	
Uploading Date	09.04.2019
Transmission Date	

