

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.9177 of 2015**

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Nawal Kishor Prasad S/o Sri Yamuna Prasad R/o- Mahadipur, P.S.-  
Shakurabad, Distt.- Jehanabad.

... .. Petitioner

Versus

1. The State Of Bihar
2. Executive Director, State Health Society, Bihar.
3. Joint Secretary, Government of Bihar.

... .. Respondents

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**Appearance :**

|                            |   |                             |
|----------------------------|---|-----------------------------|
| For the Petitioner/s       | : | Mr.Ajay Kumar I             |
| For the State              | : | Mr. Manoj Kumar, AC to GP 4 |
| For State Health Society : |   | Mr. K.K.Sinha               |
|                            |   | Mr. Shashi Shekhar          |

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**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD**  
**ORAL ORDER**

3      06-11-2019                      Heard learned Counsel for the petitioner, learned  
Counsel for the respondent State and the learned Counsel for  
respondent State Health Society.

The petitioner has filed the instant writ application in  
2015. The claim of the petitioner is based on a resolution of the  
State Government in the health Department dated 4.7.2014. It is  
petitioner's case that upper age limit prescribed in the recruit  
application for appointment on contract basis be enhanced from  
45 years to 53 years as per government resolution dated  
4.7.2014.

The recruitment application was issued for  
appointing Ayush Doctor, ANM and Pharmacists on contractual



basis under the National Rural Health Mission. The was for a contractual appointment. The advertisement prescribed last date of submission of application to be 10.10.2013. The same clearly specified upper age limit of 45 years.

Petitioner's case is that since he was above 45 years he could not participate or be considered in the said process of contractual recruitment. Placing reliance on the government resolution which has come into existence much later i.e. 4.7.2014 he submits that since the State Government under the said resolution has allowed appointment of doctors who were 53 years as on 1.10.2013, the petitioner should also have been allowed the benefit of enhancement of age.

The resolution dated 04.07.2014 of the Government of Bihar is much later to the recruitment application in respect of which the petitioner is claiming relief. The same has been issued by the State Government for appointment of Medical Officer through Bihar Public Service Commission.

The subsequent resolution of 4.7.2014 could have no application in the recruitment process for contractual engagement undertaken by Annexure 1, in which last date of submission of application form was 10.10.2013. On this ground alone this Court would observe that the petitioner cannot claim



enhancement of upper age limit as per government resolution dated 4.7.2014 and the same cannot be extended retrospectively to the recruitment process under the recruitment application dated 10.10.2013.

That apart this Court would also observe that the State Government had the discretion to lay down a different criteria for appointment of medical officers in regular service through the Commission which was distinct from that prescribed for contractual engagement which was done for limited period. On that ground also the petitioner cannot claim any parity with those participating in a subsequent process for substantial/regular appointment.

No case is made out for issuance of mandamus to extend the benefit of age enhancement in respect of process of contractual recruitment in which the last date of submission of application was 10.10.2013.

The writ petition is devoid of merit and is dismissed.

**(Madhuresh Prasad, J)**

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