

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7783 of 2019

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1. Narendra Kumar Singh S/o Sri Sant Singh Vill.- Bhagawalia, P.S.- Shiv Sagar in the District of Rohtas
 2. Niranjan Kumar S/o Late Chamaru Ram Resident of vill. Ekangar Dih, P.S.- Ekangarsarai in the District of Nalanda
 3. Sunil Kumar S/o Late Dayanand Prasad Singh Resident of Vill.- Pokharama, P.S.- Kajara in the District of Lakhisarai
 4. Krishna Kumar Chaubey S/o Late Indrajeet Chaubey Resident of Vill.- Binod Motihaniya, P.S.- Bishambharpur in the District of Gopalganj
 5. Ashok Kumar Sharma S/o Sri Bhagya Narayan Sharma Vill.- Dadhiya, P.S.- Chak Mahesi in the district of Samastipur
 6. Sanjay Kumar S/o Sri Kailash Singh Resident of Mohalla- Naya Tola (Krishnapuri), P.S.- Kazi Mahmadpur n the district of Muzaffarpur
 7. Surendra Tiwary S/o Late Ram Narayan Tiwary Vill.- Nokha, P.S.- Nokha in the district of Rohtas

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Agriculture, Govt. of Bihar, Patna
2. The Principal Secretary Department of Agriculture, Govt. of Bihar, Patna
3. The Director Department of Agriculture, Govt. of Bihar, Patna
4. The Director Horticulture, Department of Agriculture, Govt. of Bihar, Patna

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar, Advocate
For the Respondent/s : Mr. Sanjay Kumar AC to SC-15

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL JUDGMENT

Date : 09-05-2019

Heard Mr. Sunil Kumar, learned advocate for the
petitioners and Mr. Sanjay Kumar, learned AC to SC-15.

2. The petitioners have approached this Court for
a direction to the respondents to allow them to



participate in the appointment process which has begun for appointing 357 Block Horticulture Officers against the vacant posts on contract basis in pursuance to the advertisement dated 18.02.2019 issued by the Agriculture Department. The advertisement in question has been brought on record as Annexure-5 to the writ petition.

3. The advertisement clearly spells out that 357 posts shall be filled up on contract basis from amongst such candidates who have failed to be appointed as Agriculture Coordinator in the past.

4. For the purposes of participating in the appointment process of Agriculture Coordinator earlier, the age cap was between 21-37 years for general category and 21-40 for the reserved category. Since the petitioners, at that time, had crossed the maximum age limit, they could not appear in the appointment process for Agriculture Coordinators. Because of this, the petitioners have been left out from being considered for



the post of Block Horticulture Officers also on the ground that they do not come in the category of such candidates who had participated in the appointment process of Agriculture Coordinators and had failed.

5. In the present appointment process, the age cap is between 21-60 years and the petitioners are between the age group of 21-60 years.

6. The advertisement clearly spells out that appointments on the aforesaid posts of Block Horticulture Officer, which is a specialized post and which requires special qualification, would be purely temporary and any appointment which would be made under the rules in the future, all such appointments on 357 posts shall automatically get terminated.

7. Though it has not been brought on record by the petitioners but the fact is that new rules have been framed for appointment and service conditions of Block Horticulture Officer; nonetheless, the purpose of such provisional appointment is only a stopgap arrangement.



8. Since the petitioners do not qualify, their applications have not been accepted.

9. No fault could be found with the decision of the respondents in fixing the age limit as prescribed and the qualification for being considered for the post of Block Horticulture Officer on a temporary basis before regular appointments are made.

10. There is no merits in the petition and it is accordingly dismissed.

(Ashutosh Kumar, J)

Shageer/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	13/05/2019

