

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7686 of 2019

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Ram Dutta Bharti Son of Basuki Nandan Roy Resident of Village- Ranuchak,
P.O.- Ranuuchak Makanpur, P.S.- Nath Nagar, District- Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Chief Secretary, government of Bihar.
2. The Bihar Technical Service Commission Patna through its Chairman.
3. The Chairman Bihar Technical Service Commission 19, Harding Road, Patna.
4. The Deputy Secretary Bihar Technical Service Commission 19, Harding Road, Patna.
5. The Principal Secretary General Administration Department, Government of Bihar, Patna.
6. The Principal Secretary Water Resources Department, Government of Bihar, Patna.
7. The Principal Secretary Public Health Engineering Department, Government of Bihar, Patna.
8. The Principal Secretary Building construction Department Government of Bihar.
9. The Principal Secretary Road construction Department, Government of Bihar.
10. The Principal Secretary Planning and Development Department Government of Bihar, Patna.
11. The Principal Secretary Rural Work Department, Government of Bihar, Patna.
12. The Principal Secretary Urban Development and Housing Department, Government of Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ram Dutta Bharti (In Person)
For the Respondent/s : Mr.Sheo Shankar Prasad (SC-8)

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

6 05-12-2019 Heard the petitioner in-person and the learned

Standing Counsel No.8 on behalf of the State of Bihar. I have

also heard learned counsel representing the Bihar Technical



Service Commission.

2. The petitioner is seeking a direction to the respondents to determine the upper age limit of candidates for appointment against the post of Junior Engineer, fixing cut off date as 01.08.2012 in place of 01.08.2018, as discussed in the Advertisement No. 01-2019 issued by the Bihar Technical Service Commission. The said advertisement has been brought on record by way of Annexure-1 to the writ application.

3. A counter affidavit has been filed on behalf of the General Administration Department, Government of Bihar making following statements in paragraph 6 thereof:-

“6. That keeping in view the aforesaid direction mentioned in letter No. 212 dated 23.01.2006, the Bihar Technical Service Commission provided cut-off-age for those applicants who were eligible in the year 01.08.2012 and also subsequent years till 01.08.2018.”

4. Similar statement has been made in the counter affidavit filed on behalf of the Bihar Technical Service Commission in paragraph 6 which reads thus:-

“6. That it is pertinent to mention here that soon thereafter, the Department of General Administration by its letter No. 5016 dated 11.4.2019 gave



instruction to the commission in respect of the representation of one Sri Nand Kishore Kumar on the same issue and directed to take steps in compliance of the earlier letter no. 212 dated 23.1.2006 issued by the then Department of Personnel and Administrative Reforms Govt. of Bihar. At this stage it is humbly submitted that the Commission has after receipt of the instructions as contained in letter no. 5016 dated 11.4.2019 in the light of the direction from General Administration Department, Govt. of Bihar a special provision to the maximum cut off age for those applicants is being provided who were eligible in year 1.8.2012 and also subsequent years till 1.8.2018, after last advertisement published in the year 2011 and consequently is taking steps to request the agency which has been authorixed to prepare the software having office at Lucknow as online forms would be accepted as provided by the Bihar Water Resources Department Rules, 2015 and amended by ordinance no. 3950 dated 7.1.2017. It is thus submitted that in view of the same and in view if the decision taken by the commission the present writ petition preferred by the writ petitioner become instruction and now no need of



any adjudication and interference by this Hon'ble Court and thus the present writ petition has become instructions and thus fit to be dismissed.”

5. Learned counsel appearing on behalf of the Commissioner appears to be correct in his submission that the grievance of the petitioner to the extent the same relates to fixation of cut-off date for determination of upper age limit has been redressed.

6. The petitioner in person, has submitted that he is entitled for benefit of 40% horizontal reservation in appointments to the post since he has passed out from a Government Polytechnique College, as per the advertisement itself. The said aspect may be considered at appropriate stage by the State Government or the Commission as to whether the petitioner, having obtained the said qualification from a College which now falls within the territory of the State of Jharkhand, is entitled for such reservation or not.

7. This application stands disposed of with the above observation.

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(Chakradhari Sharan Singh, J)

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