

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.523 of 2018

In

Civil Writ Jurisdiction Case No.2453 of 2016

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Md. Moazzam Ansari, son of Late Akram Ansari, resident of Village-Hussainabad, Police Station-Nath Nagar, Post Office-Champa Nagar, District-Bhagalpur (Petitioner No.3)

... .. Appellant/s

Versus

1. The State Of Bihar through the Principal Secretary, Health and Family Welfare Department, Bihar, Patna
2. The Additional Secretary, Health and Family Welfare Department, Bihar, Patna
3. The Joint Secretary, Health and Family Welfare Department, Bihar, Patna
4. The Director, Indigenous Medicine, Bihar, Patna.
5. The Deputy Director (Homeopath) Cum Medical Officer, Department of Health, Government of Bihar, Patna
6. The Executive Director, the State Health Society, Bihar, Parivar Kalyan Bhawan, Sheikhpura, Patna-800014.
7. The Recruitment Officer, State Health Society, Bihar, Patna ...
(Respondents in the writ application).
8. Shravan Sah, son of Late Madhu Sah, resident of Village-Rajwa, Police Station-Bangra, District-Samastipur
9. Surendra Sah, son of Ragho Sah, resident of Village-Gangapur, Police Station-Baini, District- Samastipur(Sr. No.8 and 9 Petitioner nos.1 and 2 in the writ petition)

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Satya Narayan Mishra, Advocate
For the Respondent/s : None

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE JUSTICE SMT. ANJANA MISHRA

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

3 17-05-2019 Heard learned counsel for the appellant.

The dispute is about grant of relaxation of age where the engagement is at the age of 45 years. Thus, even after relaxation, the engagement can be made only after the age of 55 years.



From the record of the writ petition, we find that there were three writ petitioners, out of whom Shravan Sah had filed the affidavit indicating that his age was 53 years when the writ petition was filed. It is therefore obvious that he also has crossed the age of 55 years and he has not even filed an appeal along with the appellant. The appellant has come individually in person against the judgment of the learned single Judge and from the affidavit filed in support of this appeal, we find that the appellant has disclosed his age to be 58 years.

In such circumstances and keeping in view the age as disclosed in the affidavit, no effective relief can be otherwise granted and therefore the appeal has become infructuous and it is accordingly consigned to records.

(Amreshwar Pratap Sahi, CJ)

(Anjana Mishra, J)

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