

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19849 of 2019

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Arun Kumar S/o Sri Lakshman Paswan Resident of Village- Rajpur, P.O.-
Rajpur, P.S.- Rajpur, Distt.- Rohtas

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department,
Bihar, Patna
2. The Director Secondary Education, Education Department, Bihar, Patna
3. The District Board Employment Committee through its Secretary, Bhojpur,
Ara
4. The Deputy Development Commissioner-cum-Chief Executive Officer
Bhojpur, Ara

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Nandlal Kumar Singh, Advocate
For the Respondent/s : Mr. Madhaw Prasad Yadav, G.P. 23

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 25-09-2019 Heard learned counsel for the petitioner and learned
counsel appearing for the respondents.

Petitioner is aggrieved by the order contained in
'Annexure 1' whereby the petitioner has been terminated from
his service on the ground that at the time of appointment, the
petitioner was of 20 years 5 months and 10 days old whereas the
minimum age prescribed for appointment is 22 years.

Learned counsel for the petitioner has drawn attention
of this Court to the concerned Rule 2008 whereby age eligibility
has been prescribed, it appears from Rule that there is no
minimum age prescribed. It only indicates that the age limit as



prescribed by the State Government from time to time shall apply.

Learned counsel for the petitioner would submit that on the date of appointment the petitioner was 23 years old and he continued in service for a period of ten years and at this stage finding fault with the appointment of the petitioner is most arbitrary exercise of power.

Since the rule is salient on the issue of minimum age for appointment and on date of the appointment the petitioner was of 23 years old, the Court does not find any justification in the order of termination of the petitioner contained in 'Annexure 1'. 'Annexure 1' is, accordingly, quashed. The respondents are directed to reinstate the petitioner as the petitioner was of 23 years old on the date of appointment and as such in the given situation petitioner's appointment cannot be a faulted.

With the aforesaid, the present writ application stands allowed and disposed of.

(Anil Kumar Upadhyay, J)

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