

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23343 of 2019

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Mrs. Sangeeta Kumari, aged about 44 years (female), W/o Mr. Santosh Kumar, Resident of Manju Bhawan, Chakbasu, P.S. Mithanpura, District-Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary Human Resource Department, New Secretariat, Patna.
2. Additional Secretary, Education Department (Secondary Education), New Secretariat, Government of Bihar, Patna.
3. Director, Secondary Education, Education Department, Bihar.
4. District Magistrate, Patna.
5. District Magistrate, Patna.
6. Chief Executive Officer Cum Executive Officer, Nagar Parishad, Arwal.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anurag Saurav
For the Respondent/s : Mr. Kameshwar Kumar

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 26-11-2019 Heard the learned counsel for the petitioner and the State.

The petitioner is aggrieved by the fact that she has not been provided the age relaxation in the matter of appointment, even though she has passed the TET examination in the year 2011 and in the appointment process with respect to the discipline in which the petitioner has obtained qualification, i.e., Kathak dancing, she has not been given any age relaxation.



It appears from the records of this case that as and when the candidates with different streams approached this Court and obtained some direction for re-consideration of the entire issue of age relaxation as it has caused hardship to some of the persons, a decision appears to have been taken for giving age relaxation to such persons of different discipline including "dance" but only after the completion of the fifth phase of the appointment process. Thus the relaxation in age has been granted only in the sixth phase of appointment, which would continue till 2021.

Learned counsel for the petitioner submits that fixing such a watershed year does not appear to be reasonable in as much as there is no reason provided for not giving the age relaxation to persons who have participated in the 5th or earlier phase of appointment and which selection process is still continuing and has not been concluded as yet.

Any decision making by an Executive Authority has to be an informed decision and any whimsical decision with respect to the application of a particular rule of relaxing the age requirement cannot be made to the deterrent of others.



A representation also has been filed by the petitioner before the Additional Chief Secretary, Department of Education, Government of Bihar, Patna on 28th of October, 2019, which is still pending decision on the aforesaid issue by the concerned respondent.

Under the aforesaid circumstances, this Court directs the concerned respondent namely, the Additional Chief Secretary, Education Department, Government of Bihar, Patna to dispose off the representation of the petitioner, referred to above, within a period of four weeks of the receipt / communication of a copy of this order, with a reasoned order. The concerned respondent ought to look into the aspect that persons who had applied for appointment after having cleared the TET were granted age relaxation in the past and such age relaxation has also been provided for such candidates who would appear in the sixth phase of examination.

Needless to state that the concerned respondent shall take into account that a decision by an authority would affect the career of many persons and therefore any decision



must be based on sound reasoning and logic.

With the aforesaid observation / direction, this petition stands disposed off.

In the meantime, the concerned respondent shall also take into account the desirability of accepting the application form of the petitioner as the last / cut-off date is stated to be 29.11.2019 which would be subject to his final decision. The petitioner, therefore, is directed to bring this order to the knowledge of the Additional Chief Secretary, Education Department, Government of Bihar, Patna before the aforesaid date.

(Ashutosh Kumar, J)

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