

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8747 of 2020

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1. Jaydeep Kumar Abhay Son of Nagarajeet Singh, resident of Ram Krishna Path, North SK Puri, P.S. - Patliputra, Dist. - Patna.
 2. Praveen Kumar, Son of Jagdish Mishra, resident of B 53, Saket Vihar Mitra Mandal Colony, Near Paramount Public School, Anisabad, Phulwari, P.S. - Anisabad, Distt. - Patna.
 3. Rohit Kumar Son of Govind Pathak, resident of Panchmukhi Hanuman Mandir, Ward no. 7, Sitamarhi, Chakmahila Sitamarhi, P.S. Sitamarhi, Distt. - Sitamarhi.
 4. Sushil Kumar Sudanshu Son of Ram Varan Singh, resident of Balaur, Kurhani Belaur Nidhi, P.S. Belaru, Distt.- Muzaffarpur.
 5. Pashupati Nath Prasad Son of Rajaram Prasad, resident of Village- Nawada, P.O. - Chainwa, Ekma, Nawada, Saran, P.S. - Nawada, Distt. - Nawada.
 6. Khalique Hussain, Son of Abdul Karim, resident of Hazrat Ali Colony, Kolhurva Paigamberpur, Ahiyapur, Muzaffarpur, P.S. Ahiyapur, Distt.- Muzaffarpur.

... .. Petitioners

Versus

1. The State of Bihar through The Chief Secretary Govt. of Bihar, Patna.
2. The Principal Secretary, General Administration Department, Govt. of Bihar, Patna.
3. Bihar Public Service Commission through its Chairman, 15 Nehru Path, Bailey Road Patna.
4. The Secretary, Bihar Public Service Commission 15 Nehru Path, Bailey Road Patna.
5. Joint Secretary Cum Examination Controller 66th Combined (Preliminary) Competitive Examination, Bihar Public Service Commission, Patna.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr.Prateek Tandon
For the Respondent/s : Mr.Lalit Kishore (Ag)
for the BPSC : Mr. Nishant Kumar Jha

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 11-12-2020

Heard the learned counsel for the petitioners,



the State and the Bihar Public Service Commission.

The petitioners are the aspirants for seeking service through Bihar Public Service Commission but as ill- luck would have it, despite their having become 38 years of age, they could not get any opportunity of appearing in any public examination, which is required to be conducted by the Bihar Public Service Commission every year.

Statistically, this court has been informed that in the last 15 years, only four public examinations have been conducted by the Bihar Public Service Commission. It has also been submitted that times without number, on representations made by the petitioners and other like aspirants, they have been assured that there would be age - relaxation because for some reason or the other, yearly examination by the Commission is not being held.

This assurance has been fructified with respect to appointment to the post of A.P.O. which also is



conducted by the Bihar Public Service Commission.

However, in the case of the petitioners, no such relaxation has been provided.

The petitioners have made a fervent plea before the Bihar Public Service Commission for extending the date and at least allowing the petitioners to appear in the current examination, which is to commence from 27th of this month.

This Court is afraid, no such mandamus could be issued to the Commission except for a direction that the Commission should consider the representation of the petitioners in the correct perspective, taking into account its earlier assurance and the practice of relaxation of age in case yearly examinations are not held by such public bodies.

A decision at the earliest would not only satisfy the aspirants but would also create a large pool from where capable candidates could be picked up for serving the State of Bihar.



It is expected that on a reminder petition to be filed by the petitioners before the Chairman of Bihar Public Service Commission within a period of one week, necessary decision shall be taken and if any positive decision is taken, that shall be communicated to the petitioners forthwith.

The writ petition is disposed of with the aforesaid observation.

(Ashutosh Kumar, J)

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