

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19326 of 2018

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Vikash Gaurav S/o Shri Vinay Bhushan Choudhary, resident of Jai Mahavir Colony, Sandalpur, near Durga Temple, P.O.- Mahendru, P.S.- Bahadurpur, District- Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar.
2. The Bihar Public Service Commission, through its Secretary, 15 Jawahar Lal Nehru Marg Bailey Road.
3. The Chairman, Bihar Public Service Commission, 15 Jawahar Lal Nehru Marg Bailey Road, Patna- 80000.
4. The Joint- Secretary-Cum- Examination Controller, Bihar Public Service Commission at 15, Jawahar Lal Nehru Marg Bailey Road, Patna- 80000
5. The High Court of Judicature at Patna, through its Registrar General, Patna High Court, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanchay Srivastava, Adv
For the Respondent/s : Mr. Prashant Pratap GP-2

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(The proceedings of the Court are being conducted through Video Conferencing and the Advocates joined the proceedings through Video Conferencing from their residence.)

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE S. KUMAR)

Date : 13-10-2020

Heard learned counsel for the petitioner and learned

counsel for the respondents.

Petitioner has prayed for the following relief(s):-

"That the present writ application is being filed for issuance of an appropriate writ order/direction(s) in the nature of *Certiorari* for quashing Clause 3 of the Advertisement notification no. 06/2018 dated 23.08.2018 (contained in Annexure-P/6) to the extent in which it prescribes arbitrary cut-off date of 01.08.2017 with the minimum age limit of 22 years for appearing and participating in the said examination



on the ground that the same is unconstitutional and in violation of the standard norm being followed by other examinations of equivalent status in the country.

II. That the present writ application is being filed for issuance of an appropriate writ order/direction(s) in the nature of *certiorari* for quashing and setting aside Rule-6 of the Bihar Judicial Services Rules, 1955 to the extent it prescribes the cut-off date of 1st August of preceding year in which the examination is held with minimum age limit of 22 years for appearing in the said examination as it is in violation of standard norms and standard minimum qualification needed to appear in examinations of equivalent statuses being conducted throughout the country.

III. That the present writ application is being filed for issuance of an appropriate writ order/direction(s) in the nature of *mandamus* for a direction to the concerned respondents specially the Respondent Nos. 2 & 4 to accept the application form of the petitioner in relation to advertisement notification no. 06/2018 dated 23.08.2018 for appointment to the posts of subordinate judicial officers although the petitioner has not attained the minimum age required by the aforesaid advertisement notification on the ground that even though the petitioner is eligible for other competitive examinations of equivalent standard he has been debarred from appearing in the aforesaid examination and because this cut-off date is depriving many deserving candidates but it is benefiting none.

IV. That the present writ application is being filed for issuance of an appropriate writ order/direction(s) in the nature of *Mandamus* for a direction to the concerned respondents to allow the petitioner to appear and participate in the 30th Judicial services Examination being conducted by the Bihar Public Service Commission till the final outcome of the present matter.

V. That the present writ application is being filed for issuance of an appropriate writ order/direction(s) in the nature of *Mandamus* for a mandatory injunction commanding the concerned respondents to forthwith withdraw, rescind and/or cancel the impugned Clause 3 of the advertisement notification prescribing age limit further for commanding the concerned respondents to allow the petitioner to apply online against the said Advertisement notification no. 06/2018 and to accept the same till the final adjudication of the present matter.

VI. That the present writ application is being filed



for issuance of an appropriate writ order/direction(s) in the nature of *Mandamus* for a mandatory injunction commanding the concerned respondents to forthwith extend the last date of online filing of the application form which has been set till 09.10.2018 by the advertisement notification no. 06/2018 dated 23.08.2018."

Petitioner has challenged Clause-3 of the Advertisement Notification No. 06 of 2018 dated 23.08.2018 (Annexure-P/6) which prescribes minimum age limit of 22 years as on cut-off date 01.08.2017 for appearing and participating in the examination.

It has been submitted that during pendency of writ petition the examinations were conducted and appointments have also been made pursuant to said advertisement, as such, present petition has become infructuous and is, accordingly, dismissed.

(Sanjay Karol, CJ)

(S. Kumar, J)

ranjan/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	
Transmission Date	NA

