

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19559 of 2016

Uma Shankar Prasad son of Late Rameshwar Prasad, Resident of Village-Ujhandi, Police Station- Jamui, District- Jamui.

... .. Petitioner/s

Versus

1. The State of Bihar through its Chief Secretary, Govt. of Bihar, Patna.
2. The Inspector General Prison and Reform Services, Govt. of Bihar, Patna.
3. The District Magistrate, Jamui.
4. The Jail Superintendent, Sub Jail, Jamui.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Advocate
For the Respondent/s : Mr. Prabhat Kr. Verma- Aag3

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL JUDGMENT

Date : 16-11-2021

In the present petition, petitioner has prayed for following reliefs:

1. That this is an application for issuance of appropriate writ/writs, direction/directions to the respondent authorities as follows:

- (i) For quashing the order dated 15.02.2016 contained in memo no. 982 issued under the signature of the respondent the Inspector General of Prison & Reforms Services, Bihar, Patna.
- (ii) For directing the respondent authorities to consider the case of petitioner for regularisation considering his continuous skilled services in Sub Jail Jamui for about 9 years.
- (iii) For directing the respondent to consider the grievances of petitioner with regard to relaxing his age limit in present Adv. No. 5/2015 dated 29.08.2015 for appointment of dresser jail premises



as mentioned in column (x) and (xi) of the impugned order.

- (iv) For any other direction/directions for which the petitioner is entitled in the facts and circumstances of the present case.

Undisputed facts are that petitioner who is stated to have been appointed on the post of Dresser (daily wages) for about two months on 23.04.2005. Thereafter, afreshly he was appointed in the year 2010 for a period of three years. In the light of these facts and circumstances, the petitioner is said to have applied for the post of Dresser (IVth Grade) in the year 2010, which was rejected by the respondents. Petitioner is entitled to have age relaxation in the event of any fresh recruitment depending upon the policy relating to age relaxation provided by the State in their policy read with the case of *Secy., State of Karnataka V. Uma Devi* reported in *(2006)4SCC page 1*. The present petition was presented in the year 2016 after lapse of six years from the date of recruitment to the post of Dresser. That apart, the petitioner was not granted any interim relief so as to participate in the process of fresh recruitment on the post of Dresser, subject to result of the present petition.

Accordingly, the instant petition stands disposed of reserving liberty to the petitioner to approach the concerned authority for extending age relaxation for the future recruitment to any of the post for which petitioner is otherwise eligible, if any,



with reference to the decision of the Apex Court (supra) with policy of the State Government in respect of age relaxation to such of those who intends to participate in the regular recruitment.

(P. B. Bajanthri, J)

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CAV DATE	
Uploading Date	23.11.2021
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