

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4537 of 2020

Shahjahan S/o Late Shahidul Haque, Resident of Minhaj Nagar, Behind Sadrun Nisha Masjid, Khalilpura, P.O.-Phulwari Sharif, Phulwari, Dist-Patna, Bihar-801505.

... .. Petitioner/s

Versus

1. The State of Bihar through Additional Chief Secretary, Home Department, Patna.
2. Chairman, Bihar Public Service Commission at Patna.
3. Secretary, Personal and Administrative Reforms Department, Government of Bihar at Patna.
4. Additional Chief Secretary, General Administrative Department, Bihar at Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Priyajeet Pandey, Adv. Mr. Abhinav Alok, Adv.
For the BPSC		Mr. Lalit Kishore, Sr. Adv. Mr. Satyabir Bharti, Adv. Mrs. Prachi Pallavi, Adv.
For the State	:	Mr. Sheo Shankar Prasad, SC-8

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL JUDGMENT

Date : 30-01-2021

The petitioner has approached this Court for the following reliefs:

“(i) Issuance of appropriate writ/writs, order/orders, direction/directions in the nature of mandamus for directing the respondent authorities to consider the age relaxation of five years for the petitioner and other advocates, having experience of more than ten years, in the selection process of Assistant Prosecuting Officer which was



advertised by the Bihar Public Service Commission vide advertisement No. 01/2020 for 553 seats.

(ii) For further directing the respondent authorities to consider the eligibility of the petitioner in the lights of the age relaxation provided to the Government Servant and Ex-Army Man by the various notifications issued by the respondent authorities.

(iii) For directing the respondent authorities to allow the petitioner to register himself for the post of Assistant Prosecuting Officer as the deadline for the same is 21.02.2020.

(iv) For any other relief/reliefs for which the petitioner is entitled.

Learned counsel for the petitioner submits that the Bihar Public Service Commission vide advertisement No. 01 of 2020 announced vacancy of 553 seats for the post of Assistant Prosecuting Officer, Bihar after eight long years. The last vacancy for mere 80 seats was announced in the year 2012. He submits that in reference to the notification No. 212 dated 23.01.2006 issued by the Department of Personnel and Training, Bihar, the age limit consideration mentioned in the table was allowed for the candidates who were eligible for submitting the form on 01.08.2013. He submits that it is imperative to mention



here that in respect to the age limit encapsulated above, relaxation has been provided for distinct groups:

Group	Relaxation
Public Servant having work experience of more than three years in purview of notification No. 2374 dated 16.07.2007 issued by the Department of Personnel and Training, Bihar.	5 years
Differently Abled (Disabled)-In lights of the General Administration Department notification No. 13062 dated 12.10.2017.	10 years
Retired Army Men, in purview of notification No. 2447 dated 06.03.1990 issued by the Department of Personnel and Training, Bihar.	3 years

He submits that petitioner was being aspiring candidate for the post of Assistant Prosecuting Officer could be unable to register himself for the same by a small margin of approximately 9 months. He submits that the Bihar Public Sub-Ordinate Services Commission in its advertisement for the appointment of Enforcement Sub-Inspector vide advertisement No. 02 of 2019 had earlier stated the age limit dates in two folds, i.e. 01.08.2019 and 01.08.2014 but after many rectifications and suggestions for amendments in the lights of the pattern of vacancy, the cut-off-date was changed as on 01.08.2005. He further submits that the relaxation is inevitably a



matter of right for the practicing lawyers provided that the relaxation has been materialized for the Government Servant, Ex-Army Men, who are holding law degrees yet no experience in the corridors of law and justice.

A counter affidavit has been filed by the respondents submitting that the number of seats, age related cut-off-date and other policy related matters has been decided by the Administrative Department and the Commission works according to the prescribed conditions as mentioned in the requisition.

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 petitioner 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.

Considering the facts and circumstances of the case, this writ application is disposed of with a direction to the concerned/authority that if the petitioner files a representation along with a copy of this order/judgment before him, the same shall be considered in accordance with law and he would be obliged to pass a reasoned and speaking order within a period of



two weeks from the date of filing of such representation.

The concerned authority would be solely responsible for non-compliance of this order within the stipulated period, as aforesaid.

With the aforesaid direction, this writ application stands disposed of.

(Anjani Kumar Sharan, J)

devendra/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	30.01.2021
Transmission Date	NA

