

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5213 of 2019

=====

Santosh Kumar Yadav S/o Gayanand Yadav R/o Village- Ganjhali Gang, P.S.-
Kursakanta, District- Araria, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Bihar, Patna.
2. Director Agriculture Department State of Bihar, Patna.
3. Joint Director, Agriculture Department State of Bihar, Patna.
4. Principal Secretary, Agriculture Department Govt. of Bihar, Patna.
5. Additional Director (Shayashya) Govt. of Bihar, Patna.
6. Joint Director, Agriculture Department Purnea Commissioner, Purnea.
7. District Magistrate Araria.
8. District Agriculture Officer Araria.
9. The District Horticulture Officer Araria.
10. The Circle Officer, Araria District- Araria.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Rajkumar Rajesh, Advocate
For the Respondent/s : Mr.Anant Pd. Singh (Sc15)

=====

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

4 28-06-2021 Heard learned counsel for the petitioner and the

State.

The petitioner is aggrieved by the order dated
25.5.2018 whereby the petitioner's service has been terminated
on the ground that the petitioner was below 18 years of age on
1.1.2009.

In the order dated 10.04.2019, it was indicated by this
Court that in the advertisement no minimum age was prescribed
and only maximum age was prescribed as 65 years. It was also



mentioned in the order that the petitioner was only one day below the age of 18 years on 1.1.2009 and on the date of consideration of the case of the petitioner for selection and also the date of advertisement on 10.4.2010, the petitioner was very much qualified in terms of the minimum age although not mentioned in the advertisement. On 15.05.2010, the last date of submission of forms, the petitioner was more than 18 years of age and on the date of selection the petitioner was very much qualified in terms of minimum age although not disclosed in the advertisement.

Considering the fact that in the advertisement nowhere minimum age was stipulated and on the date of advertisement the petitioner was more than 18 years of age, the Court is constrained to allow the application and quash the order dated 25.01.2018 and reinstate the petitioner with all consequential benefits as the termination is based on illegal and arbitrary consideration.

The writ petition is, accordingly, allowed. The order dated 25.01.2018 is quashed. The respondents are directed to reinstate the petitioner with all consequential benefits. Necessary decision in this regard must be taken within a maximum period of four months from the date of



receipt/production of a copy of this order failing which the entire due monetary benefits will carry interest of 9% which shall be borne from the pocket of the author of the order of termination.

(Anil Kumar Upadhyay, J)

spandey/-

U			
---	--	--	--

