

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8237 of 2020

1. Niranjan Kumar, Male, aged about 41 years, son of Anup Narayan Singh, resident of G-83, P.C. Colony, Near Manju Park, G-Sector, P.O.- Lohia Nagar, P.S.- Kankarbagh, District- Patna, Pin Code- 800020
2. Suman Ranjan, Male, aged about 43 years, Son of Sri Ramnandan Prasad, resident of Road No. 3D, West Ashok Nagar, P.O.- Lohia Nagar, P.S.- Kankarbagh, District- Patna, Pin Code- 800020
3. Rajeev Kumar Singh, Male, aged about 43 years, Son of Raj Kishor Singh, Resident of Usfa, Fatwa, P.O.- Usfa B.O., District- Patna, Pin Code-803201
4. Sanjeev Kumar, Male, aged about 45 years, Son of Late Karamchand Prasad, resident of House No.- K.P.-69, 90 Feet Road, P.O.- Lohia Nagar, P.S.- Kankarbagh, District- Patna, Pin Code- 800020
5. Rajesh Kumar, Male, aged about 42 years, Son of Dinesh Prasad Yadav, Resident of Ward No. 04, P.O.- Maruaha, P.S.- Manikpur, District- Madhepura, Pin Code-852113
6. Kumar Manoj Ranjan, Male, aged about 42 years, Son of Permanand Prasad, resident of Maali Tola, Khandak Par, P.O.- Alinagar, P.S.- Dumra, District- Nalanda, Pin Code- 803101
7. Vishwajeet Suman, Male, aged about 46 years, Son of Awadh Ram, resident of village- Dharampur, P.O.- Jahanabad, P.S.- Jahanabad, District- Jahanabad, Pin Code- 801424
8. Mukesh Kumar, Male, aged about 42 years, son of Shiv Nandan Mahto, resident of Chhoti Lagma, P.O.- B.M. Tola, P.S.- Haveli Kharagpur, District- Munger, Pin Code-811202
9. Rajiv Ranjan Singh, Male, aged about 42 years, son of Yugal Mahto, resident of Flat No. 201, Sustain Brown Sector-5, Gautam Budh Nagar, P.O.- Noida Sector 12, P.S.- Gautam Budh Nagar, District- Uttar Pradesh, Pin Code-201301
10. Ranjan Kumar, Male, aged about 41 years, son of Late Jagdish Grain, resident of village- Lal Bigha, P.O.- Lal Bigha via OP Sahpur, P.S.- Sahpur, District- Nawada, Pin Code-805108
11. Shailendra Kumar Singh, Male, aged about 48 years, son of Alakh Deo Prasad, resident of Teacher Colony Bangali Par Sheikhpura, P.O.- Sheikhpura, P.S.- Sheikhpura, District- Sheikhpura, Pin Code- 811105
12. Binod Kumar Sahani, Male, aged about 42 years, son of late Visheshwar Sahni resident of Flat No. 203, Hari Nandan Niwas Apartment, Ganga Bihar Colony, Near Beur Jail, P.O.- Beur B.O., P.S.- Beur Jail, District, Pin Code- 800002
13. Sharwan Kumar, Male, aged about 44 years, C/o Dr. Sitaram Sah, resident of Alinagar, P.O.- Alinagar, P.S.- Alinagar, District- Lakhisarai, Pin Code- 811106
14. Pramod Kumar Singh, Male, aged about 42 years, son of Ram Bachan Rai, resident of ward no. 14, Hiriji ka hata, P.O.- Dumraon, P.S.- Dumraon, District- Buxer, Pin Code- 802119



15. Manoj Kumar, Male, aged about 45 years, son of late Janardan Prasad Sahu, resident of Shiv Mandir, Durga Charan Lane, P.O.- Gulzarbagh, P.S.- Alamganj, District- Patna City, Pin Code- 800007
16. Navin Kumar Verma, Male, aged about 42 years, son of Umesh Prasad Verma, resident of Near Postmortem Road, Line Bazar, P.O.- Bhatta Bazar, P.S.- Khazanchi Hat, District- Purnea, Pin Code-854301
17. Nasar Nasim, Male, aged about 39 years, son of Nasim Uddin, resident of Choudharyana Arrah, P.O.- Nawada, P.S.- Awadhपुरi, District- Bhojpur, Pin Code-802301
18. Sanjay Kumar Singh, Male, aged about 41 years, son of Rameshwar Singh, resident of ward no. 6, P.O.- Bhabua, P.S.- Bhabua, District- Kaimur, Pin Code-821101
19. Rajeev Kumar, Male, aged about 42 years, son of Balakrishna Yadav, resident of village- Kharia, P.O.- Khariya, P.S.- Khariya, District- Munger, Pin Code-811211
20. Waqar Mustafa, Male, aged about 38 years, son of Md. Muzahr Mustafa, resident of 907, Parao Pokhar, Lane no. 2, Bankers Colony, Sadpura, P.O.- Mushari, District- Muzaffarpur, Pin Code-842002
21. Sharda Singh, Female, aged about 42 years, daughter of Avadh Singh, resident of House No. 355, Nanauri, P.O.- Akbarpur, P.S.- Akbarpur, District- Nawada, Pin Code-805121
22. Vijay Kumar, Male, aged about 41 years, son of Braj Kishor Prasad, resident of 26 Juaphar Bazar, P.O.- Bargaon, P.S.- Deepnagar, District- Nalanda, Pin Code- 803111
23. Madhup Kumar, Male, aged about 41 years, son of Sri Radhika Raman Prasad Singh, resident of House No. 2, Road No. 9, Gandhi Murti, Patel Nagar, P.O.- L.B.S. Nagar, P.S.- Shastri Nagar, District- Patna, Pin Code-800023
24. Anand Ranjan, Male, aged about 39 years, son of Narendra Narayan Singh, resident of House No. 153, Kotwa, P.O.- Bahrupia, P.S.- Pipra, District- East Champaran, Pin Code-845437
25. Ajay Kumar Singh, Male, aged about 44 years, son of Rameshwar Singh, resident of Ward no. 06, P.O.- Bhabua, P.S.- Bhabua, District- Kaimur, Pin Code- 821101
26. Chandan Kumar Gupta, Male, aged about 42 years, son of Kashi Nath Prasad Gupta, resident of Bikaramganj, P.O. and P.S.- Bikaramganj, District- Rohtas, Pin Code-802212
27. Birendra Prasad Singh, Male, aged about 45 years, son of Shri Chandra Deo Prasad Singh, resident of village - Masaiyan, P.O.- Andi via Bind, District- Nalanda, Pin Code- 803107
28. Seema Kumari, Femle, aged about 49 years, wife of Dr. Priyadarshil Alok, Road No. 11, Ashok Nagar, Kankarbagh, P.S.- Patrakar Nagar, District- Patna, Pin-800020
29. Chandan Kumar, Male, aged about 43 years, son of Braj Bihari Sah, resident of Anandpur, P.O.- Anandpur, P.S.- Anandpur, District- Madhepura, Pin Code-852115



30. Piyush Kumar, Male, aged about 43 years, son of Shailendra Kumar Mandal, resident of village- Tilkari, Tatia Bambar, P.O.- Tilkari, P.S.- Tilkari, District- Munger, Pin Code- 811213
31. Kunal Bibhu, Male, aged about 39 years, son of Umesh Kumar Bibhu resident of village- Baligaon, Chandpura Buzurg, P.O.- Balgaon, P.S.- Balgaon, District- Vaishali, Pin Code- 843114
32. Md. Raja Ahmad Raji, Male, aged about 39 years, son of Md. Razi Uddin, resident of ward no. 01, Shekhara Tola, Chikni Kamaldaha, Forbesganj, P.O.- Araria RS, P.S.- Bhargawan, District- Araria, Pin Code- 854312
33. Ranjnesh Chandra Vidiarthi, Male, aged about 50 years, son of Shri Chhotan Prasad, resident of D-103, Vrindawan Apartment-02, Malahi Pakri, P.O.- Lohiya Nagar, P.S.- Kankarbagh, District- Patna, Pin Code- 800020
34. Manju Shri, Female, aged about 49 years, C/o Bishnu Chandra Prasad, resident of T-558, Nirmalanchal Housing Colony, P.O.- Lohiya Nagar, P.S.- Kankarbagh, District- Patna, Pin Code-800020
35. Parmanand Prasad Singh, Male, aged about 55 years, son of Late Damodar Prasad Singh, resident of New Bhadurpur, Mawari Colony near Shyam Mandir, Rajendra Nagar, Road No. 13 B, P.- Rajendranagar, P.s.- Bahadurpur, District- Patna, Pin Code- 800016
36. Rahul Kumar, Male, aged about 39 years, son of Umesh Sharma, resident of village- Khapura, P.O. and P.S.- Paliganj, District- Patna, Pin Code- 801110

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, General Administration Department, Bihar, Patna
2. Principal Secretary, Health Department, Bihar, Patna
3. Special secretary, Health Department, Bihar, Patna
4. Bihar Technical Service Commission, Patna through its Chairman
5. Secretary, Bihar Technical Service Commission, Patna
6. Deputy Secretary, Bihar Technical Service Commission, Patna

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Abhinav Srivastava, Advocate
For the State	:	Mr. Ajay Behari Sinha, GA 8 with Mr. Syurakant Kumar, AC to GA 8
For the BTSC	:	Mr. Nikesh Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 08-04-2021

The matter has been heard *via* video conferencing.



2. Heard Mr. Abhinav Srivastava, learned counsel for the petitioners; Mr. Ajay Behari Sinha, learned GA 8 along with Mr. Syurakant Kumar, learned AC to GA 8 for the State and Mr. Nikesh Kumar, learned counsel for the Bihar Technical Service Commission (hereinafter referred to as the 'Commission').

3. The petitioners have moved the Court for the following reliefs:

“ (i) Issuance of a direction, order or writ, including writ in the nature of mandamus commanding the concerned respondent authorities under the Health Department of the State Government as well as Bihar Technical Service Commission, Patna [hereinafter referred to as “the Commission”) to take steps towards extending the benefits of relaxation in the upper age limit prescribed for consideration of cases of candidates for appointment against the posts of Occupational therapists and Physiotherapists pursuant to advertisement nos. 01/2020 and 02/2020 dated 12/03/2020 issued by the Commission in accordance with the decision of the State Government as contained under a letter dated 23/01/2006 bearing letter no. 212, issued by the concerned authorities under the then Personnel and Administration Reforms Department of the State Government.

(ii) Issuance of a direction, order or writ, including writ in the nature of mandamus commanding the concerned respondent authorities under the Commission to refrain from acting in furtherance of advertisement nos. 01/2020 and 02/2020, till the time appropriate provisions are



maid under the said advertisements for extending the benefits of relaxation in the matter of maximum age prescribed for appointment against the posts of Occupational Therapists and Physiotherapists under the General Service Sub Cadre of the Health Department of the State Government in compliance of the decision of the Government as contained under the aforesaid letter dated 23.01.2006 bearing letter no. 212 issued by the concerned authorities under the erstwhile Personnel and Administration Reforms Department of the State Government (now renamed as “the General Administration Department”);

(iii) Issuance of a declaration holding that the petitioners and other similarly situated persons who despite having crossed the maximum age limit prescribed under the aforesaid advertisement nos. 01/2020 and 02/2020, are entitled for being extended the benefits of relaxation in view of the fact that the last advertisement for considering cases of candidates for appointment against the posts of Occupational Therapists and Physiotherapists was published on 08/04/1995 and ever since then no steps have been taken by the concerned authorities towards making appointment against the said posts;

(iv) Issuance of an ad interim direction upon the concerned authorities under the Commission to refrain from acting in furtherance of the advertisement nos. 01/2020 and 02/2020 and or in the alternative allow the present petitioners to provisionally submit their application forms pursuant to the said advertisement for consideration of their cases for appointment against the posts of Occupational Therapists and Physiotherapists subject to the outcome of the present writ application;

(v) Any other relief/reliefs that the petitioners may be found to be entitled to in the



facts and circumstances of the present case.”

4. At the outset, learned counsel for the State and the Commission submitted that a decision has already been taken by the State Government to relax the age by 15 years for persons who are otherwise eligible to apply for the post of Occupational Therapists/Physiotherapists.

5. Learned counsel for the petitioners submitted that the application be disposed off in view of the stand taken on behalf of the authorities.

6. Having regard to the aforesaid, the writ petition stands disposed off in view of the stand taken by learned counsel for the State and the Commission that the State Government has already taken a decision for relaxation of the age by 15 years as a one-time measure for the purposes of Advertisements No. 01 of 2020 and 02 of 2020 dated 12th March, 2020, which covers the petitioners.

(Ahsanuddin Amanullah, J)

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