

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8687 of 2020

1. Subhash Sucsena, aged about 47 years, Male, Son of Late Ravindra Saw, resident of village Govindpur, P.S. Fatuha, District Patna, Bihar.
2. Sangita Kumari, aged about 41 years, Female, daughter of Late Rajkumar Prasad, resident of Govindpur, P.S. Fatuha, District Patna, Bihar.
3. Sudhir Kumar, aged about 49 years, Male, son of Late Hardeo Prasad Singh resident of village Budha Hospital, Khagni Road, Takiyapar, Panchasheel Nagar, P.S. Danapur, District Patna, Bihar.
4. Ajay Sinha, aged about 45 years, Male, son of Satyendra Kuamr Singh resident of village Tope, P.S. Shahjahanpur, District Patna, Bihar.
5. Atisho Sinha @ Atisho Singh, Female, aged about 41 years, dughter of Shri Bhimsen Kumar, wife of Shri Vishavmohan Singh, resident of Bankipur, P.S. Fatuha, District Patna, Bihar.
6. Prawin Kumar Rai @ Prawin Rai, aged about 46 years, Male, son of Sri Ram Sahay Rai resident of village Chandani, P.S. Mohammadabad, Yosufpur, District Ghazipur, Uttar Pradesh.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, General Administration Department, Government of Bihar, Patna.
2. The Principal Secretary, Department of Health and Family Welfare, Government of Bihar, Patna.
3. The Chairman, Bihar Technical Service Commission, Government of Bihar, 19 Harding Road, Patna.
4. The Secretary, Bihar Technical Service Commission, Government of Bihar, 19 Harding Road, Patna.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 8688 of 2020

1. Amrendra Kumar, aged about 41 years, Male, son of Late Ram Prawesh Singh, resident of Radha Krishna Nagar, Hullupur, P.S. Beur, District Patna, Bihar.
2. Mahesh Kumar, aged about 41 years, Male, son of Sri Saryug Pandit, resident of village Mansi, Chakhuseni, P.S. Mansi, District Khagaria, Bihar.
3. Shambhu Kumar Suman , aged about 43 years, Male, son of Sri Ramesh Mukhiya, resident of Madhura, P.S. Kishanpur District Supaul, Bilhar.
4. Shishu Pal, aged about 46 years, Male, son of Rajendra Paswan resident of Raj Niketan, 4A, P.S. and P.O. Beur, near Hanuman Kirana Store, Anishabad, District Patna, Bihar.
5. Md. Neshat Ahmed , aged about 41 years, Male, son of Md. Amirudin



Ansari, resident of Ward No. 2, Mohalla Dharampur Islamia Colony, P.S. Samastipur, District Samastipur, Bihar.

6. Ranjit Kumar, aged about 41 years, Male, son of Upendra Choudhari resident of Ward No.02, P.S. Mahesh Khunt, District Khagaria, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, General Administration Department, Government of Bihar, Patna.
2. The Principal Secretary, Department of Health and Family Welfare, Government of Bihar, Patna.
3. The Chairman, Bihar Technical Service Commission, Government of Bihar, 19 Harding Road, Patna.
4. The Secretary, Bihar Technical Service Commission, Government of Bihar, 19 Harding Road, Patna.

... .. Respondent/s

Appearance :

(In Civil Writ Jurisdiction Case No. 8687 of 2020)

For the Petitioner/s : Mr. Prabhat Ranjan, Advocate

For the Respondent/s : Mr. Manoj Kumar Yadav, AC to GA – 10

Mr. Nikesh Kumar, Advocate

(In Civil Writ Jurisdiction Case No. 8688 of 2020)

For the Petitioner/s : Mr. Prabhat Ranjan

For the Respondent/s : Mr. Manoj Kumar Yadav, AC to GA – 10

Mr. Nikesh Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

5 19-03-2021 Heard Mr. Prabhat Ranjan, learned counsel for the petitioners, Mr. Nikesh Kumar, learned counsel for the respondent nos. 3 & 4 / Bihar Technical Service Commission and Mr. Manoj Kumar Yadav, learned A.C. to Government Advocate No. 10 for the State.



In both the writ petitions petitioners have identical grievances, as such, both the writ petitions are taken up together with the consent of the parties.

Petitioners, in both the writ petitions have claimed that they have requisite educational qualification for the post of “Medical Officer” in Ayurvedic, Homeopathic and Unani Stream in pursuance of the Advertisement No. 04 / 2020 to 09 / 2020 dated 28.09.2020 (Annexure – “1” to the writ petition). The petitioners have challenged Clause 3 (v) of the Advertisement, which lays down the eligibility criteria for the post of “Medical Officer” to the extent that age relaxation of 12 years has been allowed for such candidates only who are working on contractual basis.

Learned counsel for the petitioners submits that identical issue was considered by a Co-ordinate Bench of this Court and this Court by its order dated 09.03.2021 passed in C.W.J.C. No. 8888 of 2020 has allowed that writ application in the following terms:-

“13. In view of the admitted fact that the petitioners became ineligible to apply against the post because of non-publication of advertisement for years together, in my opinion, it would be arbitrary and



discriminatory for the respondents to deny them benefit of age relaxation in the light of the General Administration Department's letter dated 23.01.2006.

14. In the facts and circumstances, this application is allowed with the following directions:-

(i) The petitioners shall be granted age relaxation for maximum of 12 years.

(ii) While determining as to how much relaxation in age can be allowed to them, the respondents shall take into account the date of acquisition by them of their requisite educational qualification.

(iii) They shall be treated to be eligible for appointment in the year when they acquired requisite educational qualification. The difference of number of years from the date of acquiring the minimum educational qualification and the year of publication of the present advertisement shall be the maximum age relaxation in upper age limit, which the petitioners shall be allowed.

(iv) The respondents are directed accordingly to accept the application forms of these petitioners, if they are found to be



**eligible after granting them age relaxation in
terms of the present order.”**

In view of the aforesaid, both the writ petitions are
allowed in terms of the order dated 09.03.2021 passed in
C.W.J.C. No. 8888 of 2020.

(Anil Kumar Sinha, J)

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