

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8802 of 2020

1. Rupesh Tiwary Son of Dinanath Tiwari Resident of Village- Chhitauli Kalan, P.S.- Goriyakothi, District- Siwan.
2. Rajesh Kumar Son of Kamleshwari Prasad Raw Resident of Village- Domo, P.O.- Kumarpur, P.S.- Fullidumar, District- Banka.
3. Md. Hajeque Ali Son of Md. Zainul Abedin Resident of Sultanganj, Haruwa Danga, P.S.- Dighabank, District- Kishanganj.
4. Sadanand Choudhary Son of Gulab Chandra Chaudhari Resident of Village- Parasarama, P.S.- Supaul, District- Supaul.
5. Rakesh Tiwari Son of Deenanath Tiwari Resident of Ward No. 20, Chhitauli Kala, P.O. and P.S.- Laxmiganj, District- Siwan.
6. Vivek Bharti Son of Jitendra Prasad Yadav Resident of Ward No. 01, Near Prathamik Swasthy Kendr, Badahiya, P.O.- Hathiaundha, P.S.- Bihariganj, District- Madhepura.
7. Navin Kumar Son of Late Birendra Sharma Resident of Near Malaria Office, Ghagha Ghat Road, Mahendru, P.S.- Sultanganj, District- Patna.
8. Kumar Guarav Son of Ranjit Singh Resident of Village- Misi, P.S.- Bakhtiyarpur, District- Patna.
9. Dharmendra Singh Son of Raj Narayan Singh Resident of Khajurbanna, Near Singh Homeopathic Clinic, Mahendru, P.S.- Sultanganj, District- Patna.
10. Lakshman Kumar Son of Bhogi Lal Yadav Resident of Village- Mujiyasi, P.O.- Parsa, P.S.- Ghoghardiha, District- Madhubani.
11. Divya Shikha Wife of Umesh Kumar Resident of Masaudhi, P.S.- Masaudhi, District- Patna.
12. Vishwajit Kumar Son of Sudarshan Pandey Resident of Village- Dehri, P.S.- Dehri, District- Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, General Administration Department, Govt. of Bihar, Patna.
2. The Principal Secretary, Health Department, Govt. of Bihar, Patna.
3. The Secretary, Bihar Technical Service Commission, Harding Road, Patna.
4. The Examination Controller, Bihar Technical Service Commission, Harding Road, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Rakesh Kumar Sharma, Advocate
For the Respondent/s	:	Mr.Ajay Behari Sinha, GA 8
		Mr. Nikesh Kumar, Advocate



CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL JUDGMENT
Date : 08-04-2021

Heard learned counsel for the petitioner and learned counsel for the respondents through video conference. Learned counsel for the petitioner has filed an undertaking that all defects pointed out by the stamp reporter shall be removed, and compliance with the conditions of the notices of this Court with regard to acceptance of e-filing shall be made, without delay immediately upon resumption of normal physical functioning of the Court, and in any event within one month thereof.

2. The following reliefs as formulated by the petitioner have been claimed in the writ petition--

“(i) For issuance of writ in the nature of mandamus for a direction to the respondent authorities to grant relaxation in age to the petitioners in filing of form for Advertisement No. 04/2020 to 09/2020 as per the guideline of letter No. 212 dated 23.01.2006 issued by the Personnel and Administrative Reforms, Department, Bihar.

(ii) For issuance of writ in the nature of mandamus for a direction to the respondent authorities to allow the petitioners to fill-up the form of



Advertisement No 04/2020 to 09/2020 and they may not be debarred due to overage as the Advertisement has been published by the Government for a long delay i.e. more than once decades.

(iii) For any other relief/reliefs if petitioners found entitle in the facts and circumstances of the present case.”

3. At the very outset and without going into the detailed merits of the matter, the parties are in agreement that orders have been passed in similar matters by this Court with regard to relaxation of age in the present context. Reference has been invited to the decision of this Court in CWJC No.8888 of 2020 which was disposed of, *inter alia*, 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.”

4. Accordingly and with consent of the parties, the present writ petition is also disposed of in line with the decision of this Court in CWJC No.8888 of 2020.

5. Office shall follow-up to ensure that all defects are removed and compliance with the notices of this Court are made by the petitioners within the stipulated time provided in para 1 hereinabove, failing which the matter shall be brought to the notice of this Court.

(Vikash Jain, J)

HR/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	90. 04.2021
Transmission Date	N.A.

