

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8803 of 2020

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1. Anant Saznam Son of Shree Krishna Prasad Resident of Village barh, P.S. Barh, District Patna, Bihar.
 2. Rajeev Ranjan Son of Dr. Chitranjan Singh Resident of Village Khopira, P.S. Pawana, District Bhojpur, Bihar.
 3. Karambir Prasad Son of Shree Rambilas Mahto, Premapati, Resident of Village-Saidpur Zahid, P.S. Ujiarpur, District Samastipur, Bihar.
 4. Ram Chandra Pandit Son of Asharfi Pandit Resident of Village-Khirikiyan, P.S. Derni, District Saran, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Genral 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 :

For the Petitioner/s	:	Mr.Prabhat Ranjan
For the Respondent/s	:	Mr.Ramadhar Singh, GP-25
For the BTSC	:	Mr. Nikesh Kumar

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

3 16-04-2021 This case has been taken up online because of COVID-19 pandemic restrictions.

The petitioners have sought for the following reliefs
in the present writ application:-

*“(i) Quashing of the
Condition-3 (v) in the Advertisement
No. 04 of 2020 to 09 of 2020 dated*



28.09.2020 (Annexure-1) issued by the Bihar Technical Service Commission to the extent that the benefit of age relaxation to appear in the Examination has been restricted only to those candidates who are working on contractual basis from before;

(ii) A declaration that the benefit of the age relaxation contemplated under Letter No. 212 dated 23.01.2006 (Annexure-4) issued by the General Administration Department, Government of Bihar does not make out any distinction/discrimination between a candidate who is not working on contract basis from earlier and a candidate who is already working on contract basis and further more that the letter has a general application;

(iii) A declaration that the petitioners are entitled to the relaxation in age limit on the basis of the decision of the employment circulated vide Letter No.212 dated 23.01.2006 (Annexure-4).

(iv) Direction upon the Respondents to accept the application from the petitioners by granting them the age relaxation pursuant to the



Letter No.212 dated 23.01.2016 without any distinction or discrimination of the conferment in the benefit to only those candidates who are from before working on contract basis.”

Learned counsel for the petitioners has submitted that in similar circumstance, this Court has disposed of a writ application registered as CWJC No. 8888 of 2020 by an order dated 09.03.2021.

Learned counsel for the Bihar Technical Commission has not disputed the fact that the same selection process in question had been the subject matter of the dispute in the order dated 09.03.2021 passed in CWJC No. 8888 of 2020, paragraph 14 of which reads thus:-

“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.”

Considering the facts and circumstances, this writ application stands disposed of in terms of order dated 09.03.2021 passed in CWJC No. 8888 of 2020.

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(Chakradhari Sharan Singh, J)

