

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.84 of 2021

1. Dr. Triloki Sharma Son of Late Ramdayal Sharma Resident of Village- Sirsa Balli, P.S.- Beldhi, District- Saran, at present posted as Ayush Medical Officer, A. P.H.C. Balua, Sadar Block, Chapra, District- Saran.
2. Dr. Mukesh Kumar Singh Son of Late Ram Kripal Singh Resident of Village- Tarwa, P.S.- Naubatpur, District- Patna, at present posted as Ayush Medical Officer, A. P.H.C. Dighi, Laxmipur, District- Jamui.
3. Dr. Md. Roohullah Son of Md. Umar Farooque Resident of Village- Nari, P.S.- Ghanshyampur, District- Darbhanga, at present posted as Ayush Medical Officer, A. P.H.C. Belunga, P.H.C. Bisfi, District- Madhubani.
4. Dr. Triloki Nath Pandit Son of Late Chandrika Prasad Resident of Village- Ramdasapur, District- Saran, at present posted as Ayush Medical Officer, A. P.H.C. Goraimpur, Dighwara, District- Saran.
5. Dr. Shila Nath Sinha Son of Kishun Deo Singh Resident of Village- Katsa, District- Saran, at present posted as Ayush Medical Officer, A. P.H.C. Rashidpur, Garkha, District- Saran.
6. Dr. Pashpati Nath Sharma Son of Dashrath Thakur Resident of Village- Gudari Bazar, Salapat Ganj Chapra, P.S.- Bhagawan Bazar, District- Saran, at present posted as Ayush Medical Officer, A. P.C.H. Ektara, P.H.C. Benipatti, District- Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary General Administrative Department, Government Bihar, Patna.
3. The Principal Secretary Health Department, Government of Bihar, Patna.
4. The Principal Secretary Ayush Department, Government of Bihar, Patna.
5. The Director Ayush Department, Government of Bihar, Vikash Bhawan, Patna.
6. The Bihar Technical Service Commission Patna through its Secretary, Harding Road, Patna.
7. The Chairman Bihar Technical Service Commission, Harding Road, Patna.
8. The Secretary Bihar Technical Service Commission, Harding Road, Patna.
9. The Controller of Examination Bihar Technical Service Commission, Harding Road, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Anil Chandra, Advocate



For the Respondent/s : Mr. Binod Kumar Yadav, SC-18

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL JUDGMENT

Date : 23-11-2021

Heard learned counsels for the parties.

2. In the instant petition, petitioners have prayed for following reliefs:

“(I) For issuance of an appropriate writ/ writs/ order/orders for directing the respondent Bihar Technical Service Commission to allow appropriate age relaxation to the petitioners to enable them to apply against advertisement number 04/2020 to 09/2020 published on 28.09.2020 by the respondent Bihar Technical Service Commission in view of letter number 212 dated 23.01.2006 issued by the General Administration Department, Bihar Patna by which it has been decided to grant age relaxation to such candidates who have become overage due to long delay committed by the Government in advertising the posts.

(II) For issuance of an appropriate writ/ writs/ order/orders for directing the respondents to give age relaxation of 16 years instead of 12 years against the provision contained under Clause 3(v) of the Advertisement No. 04/2020 to 09/2020 dated 28.09.2020 issued by the concerned authorities under the Bihar Technical Service Commission, Patna vide an erroneous interpretation of the decision taken by the State Government as contained under the Letter No. 212 dated 23.01.2006 issued by the concerned authorities under the then Personal and Administrative Reforms Department of the State Government. As a result, age relaxation of only 12 years has been granted in the matter of maximum age limit in the process of selection for appointment against the post of Ayush doctor in the service of the State Government.



(III) For issuance of an order, direction or a writ of mandamus or any other appropriate writ for directing the Respondent Authorities to also consider the case of the petitioners for grant of 16 years age relaxation in view of the decision of the Government contained in Memo No. 12534 dated 17.09.2018 by which the Government had accepted the recommendation of the High Level Committee which had decided to allow the age relaxation to employees appointed on contract basis while conducting a recruitment process for permanent appointment to the same posts.

(IV) For issuance of an order, direction or an appropriate writ for staying the further process of recruitment to the post of Homeopathic Medical Officer and Ayush Physician (Homeopathic) pursuant to advertisement number 04 / 2020 to 09/2020 respectively published on 28.09.2020.

(V) To pass any other appropriate order/ orders as your lordships may deem fit and proper for the end of justice.”

3. Learned counsels for the respective parties, on instruction, submitted that the present petition is squarely covered by the decision rendered in C.W.J.C. No. 8690 of 2020 decided on 25.10.2021.

4. Accordingly, the present petition stands disposed of in terms of the aforesaid order passed by the co-ordinate Bench of this Court. At this juncture, Respondent-Bihar State Technical Service Commission submitted that the order passed in aforesaid C.W.J.C. No. 8690 of 2020 has been complied by the State. The same shall be taken note of by the



concerned respondent in extending the relief sought by the petitioners read with the co-ordinate Bench decision within a period of three months from today.

(P. B. Bajanthri, J)

rakhi/-

AFR/NAFR	
CAV DATE	
Uploading Date	30.11.2021
Transmission Date	

