

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No. 8957 of 2020

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Ashwini Kumar (male), aged about-41 years, son of Bakunth Upadhyay, resident of Dhavantri Bhawan, Sadisopur, Police Station-Bihta, District-Patna.

----- Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna

2. The Principal Secretary, Health Department, Government of Bihar, Patna

3. The Director-in-Chief, Health Services, Bihar, Patna

4. Bihar Technical Service Commission, 19, Harding Road, Patna through the Chairman

5. The Chairman, Bihar Technical Service Commission, 19, Harding Road, Patna

6. The Secretary, Bihar Technical Service Commission, 19, Harding Road, Patna

----- Respondents

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Appearance:-

For the Petitioner :- Mr. Vijay Kumar Singh, Advocate

For the Commission :- Mr. Nikesh Kumar, Advocate

For the State - - - - - Rajeshwar Singh, GA-18



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CORAM:HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL ORDER

3. **21.06.2021** The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

The present writ petition has been filed for directing the respondent authorities to grant age relaxation to the petitioner and permit him to fill up the application form for appointment on the vacant posts of Ayush Medical Officer, pursuant to the Advertisement No. 04/2020 to 19/2020, issued by the respondent Bihar Technical Service Commission.

The learned counsel for the petitioner submits that the present case is squarely covered by a judgment rendered by a coordinate Bench of this Court dated 09.03.2021, passed in CWJC No. 8888 of 2020 (Dr. Shashi Ketu Ojha & Ors. vs. The State of Bihar & Ors.). It would be relevant to reproduce



paragraph no. 14 of the aforesaid judgment dated 09.03.2021

herein below:-

“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.”



The learned counsel for the respondent Commission Shri. Nikesh Kumar and the learned counsel appearing for the respondent State Shri. Rajeshwar Singh-GA-18 do not dispute the fact that the present case is squarely covered by the aforesaid judgment rendered by a coordinate Bench of this Court in the case of Dr. Shashi Ketu Ojha & Ors. (supra).

Having regard to the submissions made by the learned counsel for the parties and with the consent of the learned counsel appearing for the parties, the present writ petition stands disposed off in terms of the judgment dated 09.03.2021 passed in the case of Dr. Shashi Ketu Ojha & Ors. (supra).

(Mohit Kumar Shah, J)

S.Sb/-

