

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.419 of 2021

Dr. Seema Kumari, W/o Shri Sanjeet Kumar, R/o Village Vanvasi Seva
Kendra Adhaura, P.O. Adhaura, P.S. Adhaura, Dist-Kaimur -821116 (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar through its 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. Abhishek Singh, Advocate
For the Respondent/s	:	Mr. Nagendra Prasad Yadav, SC 23
		Mr. Nikesh Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date : 17-04-2021

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 an order, direction or a writ of mandamus or any other appropriate writ for directing the respondent Bihar Technical Service Commission to allow appropriate age relaxation to the petitioner who holds professional degree of Bachelor of Ayurvedic Medicine & Surgery (B.A.M.S.), which she has completed in the year 2005 and is presently serving the community in Ayurveda Unit of KVK, Vanvasi Seva Kendra at Adhura, Kaimur Bihar but has crossed the maximum age of eligibility and to enable her to apply against advertisement number 04/2020-09/2020 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 by which it has been decided to grant age relaxation to such candidates who have become over age due to long delay caused by the Government in advertising the posts particularly in consideration of the fact that last advertisement for permanent appointment to the post of Ayush Medical Officer was issued in the year 1997.

(ii) For issuance of an order, direction or an appropriate writ for staying the further



process of recruitment to the post of Homeopathic/Ayurvedic Medical Officer and Ayush Physician (Homeopathic) pursuant to advertisement number 04/2020 to 09/2020 respectively published on 28.09.2020.

(iii) For issuance of an order, direction or a writ of mandamus for directing the respondent Authorities to provisionally accept the application of the petitioner to participate in the selection process pursuant to advertisement number 04/2020 to 09/2020 published on 28.09.2020, subject to the result/outcome of the present writ application.

(iv) For issuance of a writ of mandamus to the respondent authorities for postponement of last date for filling the online application.”

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	-
Uploading Date	22.04.2021
Transmission Date	-

