

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No. 564 of 2021

Md. Akbar Ali (M) aged about 40 years, son of Md. Nihaluddin, resident of Village Chatarghat, P.O. Laxmipur, P.S. Chakand and District Gaya at present resident of Nunu Smirti House, Indrapuri, Road No. 1, Raza Bazar, town and District Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department of Health, Patna.
2. The Principal Secretary, Department of DESI CHIKITSHA, Patna.
3. The Bihar Technical Service Commission, 19, Harding Road, Patna through the Secretary.
4. The Secretary, the Bihar Technical Service Commission, 19, Harding Road, Patna.
5. The State Health Society, Bihar Pariwar Kalyan Bhawan, Sheikhpura, Patna through the Executive Director.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Binay Kumar, Adv.
For the Respondent/s : Mr. Vasant Vikas, AC to GP-12
For State Health Society: Mr. K.K. Sinha, Adv.

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL ORDER

4 21-08-2021

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 seeking the following reliefs:-

“(i) For issuance of an appropriate writ, order or direction commanding the respondent authorities to enhance the maximum age limit from 30 years to 45 years for appointment on the post of Unani/ Ayush Phsician (Unani) doctors.

(ii) For issuance of an appropriate writ, order or direction commanding the respondents authorities to accept the application for appointment by setting aside the order of rejection passed by the respondent no. 3 of the petitioner’s application on the post of Unani/ Ayush Physician (Unani) doctor.”

The Ld. Counsel for the parties are in agreement that the present case is squarely covered by a judgment dated 09.03.2021 passed by a co-ordinate Bench of this Court in CWJC No. 8888 of 2020 (**Dr. Shashi Ketu Ojha & Ors. Vs. The State of Bihar & Ors.**), operative portion whereof is being reproduced 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.”

Having regard to the agreement arrived at in between the parties, the present writ petition stands disposed of in terms of the aforesaid judgment passed in the case of Dr. Shashi Ketu Ojha & Ors. (supra) and the respondents are directed to grant similar benefits to the petitioner in case he is eligible for the same.

(Mohit Kumar Shah, J)

Tiwary/-

