

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14289 of 2018

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Bharat Ray @ Bharat Roy Son of Satya Narayan Ray, Resident of Village-
Basantpur, P.S.-Muffasil Motihari, District-East Champaran.

... .. Petitioner

Versus

1. The State Of Bihar
2. The District Magistrate, East Champaran at Motihari.
3. The Superintendent of Police, East Champaran at Motihari.
4. The Sub Divisional Officer, Sadar Motihari, East Champaran.
5. The Sub-Divisional Police Officer, Sadar Motihari, East Champaran.
6. The Officer-In-Charge Motihari Muffasil Police Station, East Champaran.
7. The Deputy Secretary, Department of Home Police, Government of Bihar at Patna.

... .. Respondents

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Appearance :

For the Petitioner	:	Mr. Uma Kant Shukla, Senior Advocate Mr. Umesh Chandra Verma, Advocate
For the Respondents	:	Mr. Prabhat Kumar Verma -Aag3

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

4 27-07-2021 When this matter was taken up by this Court on 25.07.2018, it was directed that the petitioner should be called to participate in the interview and the result shall be kept in a sealed cover to be opened after disposal of the writ application.

Mr. Uma Kant Shukla, learned Senior Counsel appearing on behalf of the petitioner, has submitted that the petitioner had applied pursuant to an advertisement inviting applications for the post of Chowkidar, which prescribed, *inter alia*, maximum age limit of 40 years for B.C. Category candidates. He has drawn my attention to an order of this Court



dated 10.03.2014 passed in C.W.J.C. No. 1024 of 2014, wherein this Court had disposed of the writ application filed by the petitioner with the following direction :

“In view of the order dated 7.10.2005 passed in CWJC No.4773 of 2000 which was preferred by the present petitioner and which has not been reported to have been challenged by the respondents, this Court has no option than to quash the entire memo no.80 dated 11.4.2000 issued by the District Magistrate, East Champaran, Motihari rejecting the cases of the applicants in reference to the said two circulars dated 6.11.1991 and 20.12.1995. In view of the findings of the Court in the said order, the said two circulars have also to be held inapplicable and require to be quashed which are hereby quashed as violative of Article 14 and 16 of the Constitution of India.

The respondent District Magistrate, East Champaran is directed to proceed with the appointment of the Chowkidar on the available vacancies strictly in accordance with the paragraph 3 of the said circular dated 17.1.1990, i.e. by holding a selection process laid down for appointment on government posts. The



process must be initiated by the District Magistrate within one month from today and appointments must be made within six months thereafter. If any of the candidates, whose cases were rejected by the said memo no.80 dated 11.4.2000 in reference to the said circulars dated 6.11.1991 and 20.12.1995, applies for his selection, he shall be given age relaxation for the period 2000 to the date of advertisement. As a consequence of this order, the order of the In-charge Officer of the District, General Administration Department, East Champaran contained in memo no.2357 dated 18.11.2013 is also quashed.”

(underlined for emphasis)

Relying on the said direction of this Court Mr. Uma Kant Shukla, learned Senior Counsel, has submitted that the respondents have an obligation to grant the petitioner age relaxation for the period 2000 to the date of advertisement.

From the said order of this Court dated 10.03.2014, it is evident that the Court had directed that if any of the candidates, whose cases were rejected by memo No. 80 dated 11.04.2000 in reference to a Circular dated 16.11.1991 and 20.12.1991, applies for his selection, he shall be granted age relaxation for the said period. Case of the petitioner and some



others was rejected by Memo No. 80 dated 11.04.2000.

Learned counsel representing the respondent State of Bihar has submitted that in view of the clear observation made by this Court in the earlier order dated 10.03.2014 passed in C.W.J.C. No. 1024 of 2014, the respondents shall grant the petitioner relaxation in age while considering the petitioner's case for appointment against the said post.

Considering the submission made on behalf of the respondent State of Bihar, as noted above, and the findings recorded by this Court in order dated 10.03.2014 passed in C.W.J.C. No. 1024 of 2014, this application is disposed of with a direction that let the result of the petitioner be published after opening the seal cover.

It goes without saying that in the light of the said order of this Court, the petitioner shall be granted relaxation in age.

(Chakradhari Sharan Singh, J)

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