

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5547 of 2022

Dr. Gopal Jee Rai Son of Ramji Rai, resident of Sant Kabir Road, Banu Chhapar, Ward no. 08, Navin Colony, Bettiah, West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, General Administration Department, Government of Bihar, Vikash Bhawan, Bailey Road, Patna.
3. The Principal Secretary, Department of Health, Government of Bihar, Vikash Bhawan, Bailey Road, Patna.
4. The Special Secretary, Department of Health, Government of Bihar, Vikash Bhawan, Bailey Road, Patna.
5. The Additional Secretary, Department of Health, Government of Bihar, Vikash Bhawan, Bailey Road, Patna.
6. Bihar Technical Services Commission, 19, Hardinge Road, Government of Bihar, Patna through its Secretary.
7. The Chairman, Bihar Technical Services Commission, 19 Hardinge Road, Government of Bihar, Patna.
8. The Secretary, Bihar Technical Services Commission, 19 Hardinge Road, Government of Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Sanjeev Kumar Mishra, Advocate
For the State	:	Mr. Pankaj Kumar, SC 12
		Mr. Kamlesh Kumar, AC to SC 12
For the BTSC	:	Mr. Nikesh Kumar, Advocate

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

Date : 09-05-2022

Heard learned counsel for the respective parties.

2. In the instant petition, petitioner has prayed for the following relief/reliefs:

“(i) For issuance of an appropriate writ in the nature of certiorari quashing that part of the advertisement no. 04/2020-9/2020 as contained in



Clause 3 vide which the age limit for appointment has been fixed by the Bihar Technical Services Commission (hereinafter referred to as Commission)

(ii) For issuance of an order, direction or writ in the nature of Mandamus to the Respondent Commission/authorities to consider the age limit as per Circular dated 23.01.2006 which categorically stipulated the relaxation of age on the basis of the last examination conducted.

(iii) For issuance of an order, direction or appropriate declaration that the commission cannot decide eligibility criteria other than those prescribed in the rule.

(iv) Any other order or orders as your Lordships may deem fit and proper in the facts and circumstances of the case be granted to the petitioner.”

3. The aforesaid reliefs cannot be extended to the petitioner for the reasons that the petitioner has slept over the matter as he had right to question the Clause No. 3 in Advertisement No. 4 of 2020 - 9 of 2020. In respect of challenge to any provision or process of recruitment to any post, it should be within a reasonable period of time of six months whereas the present petition is presented in the year 2022.

4. Apex Court in the case of ***P.S. Sadasivaswamy Appellant vs. State of T.N.*** reported in **AIR 1974 SC 2271** held that for selection/appointment/promotion, candidate must approach within a reasonable period of six months. Similar view was



expressed in the case of *Ashok Kumar vs. State of Bihar* reported in **(2017) 4 SCC 357**.

5. Having regard to the fact that petitioner has slept over the matter for about two years, question of entertaining the present petition on the ground of delay and laches is not warranted. Hence, writ petition stands dismissed.

(P. B. Bajanthri, J)

GAURAV S./-

AFR/NAFR	
CAV DATE	
Uploading Date	14.05.2022
Transmission Date	

