

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18170 of 2014

1. Kumod Kumar Singh and Ors. son of Shri Shivajee Singh resident of Village - Tajganj Faiza, P.S. Katihar Mufassil, District - Katihar.
2. Md. Farukh Alam son of Md. Mohiuddin resident of Village - Sharifganj, P.S. - Katihar Muffasil, District - Katihar.
3. Manas Ranjan son of Srhi Vishwaketu Prasad Sinha 'Murari' resident of Mohalla - Hriday Ganj, Simra Began Katihar, P.S. - Katihar, District - Katihar.
4. Ujjwal Kumar Rai S/o Sri Niranjan Kumar Rai resident of Village - Barsoi Khidirpur, P.S. Barsoi, District - Katihar.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Chief Secretary, Main Secretariat, Patna.
2. The Principal Secretary, Social Welfare Department Secretariat, Patna.
3. The Special Secretary Social Welfare Department Secretariat, Patna.
4. Director, Integral Child Development Service I C D S 2nd Floor, Indira Bhawan, Ram Charitra Singh
5. Bihar Karmchari Chayan Aayog Bihar Employees Selection Commission Veterinary College, Patna.
6. Principal Secretary, General Administration Department Previously known as Personnel Administrative
7. District Magistrate, Katihar.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Kishore Kumar Thakur
For the Respondent/s : Mr. Sandeep Kumar, GA 8

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 29-11-2022

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s):-

“i. For a direction to the respondent Principal Secretary, Social Welfare department to make suitable amendment relating to relaxation of age limit and grant of Weightage in matters of regular appointment of the petitioners working presently on contract basis in the notification



dated 2280 dated 19.5.2014 issued by the Social Welfare department of the respondent State in the light of the resolution contained in Memo no. 8025 dated 21.5.2013 issued by the then Personnel and Administrative Reforms department (now known as General Administration department).

ii. For a further direction to the respondents to accept the online application of the petitioners for consideration of their cases for regular appointment to the vacant sanctioned posts of Lower Division Assistant available in the Directorate of Integrated Child Development Service (ICDS for short), against which posts, the petitioners are presently functioning on contract basis, by giving them relaxation of maximum age limit, considering the fact that the respondents have allowed such relaxation of maximum age limit in cases of those similarly situated employees working on contract basis, for the purposes of accepting their application and consideration of their cases for regular appointment pursuant to the advertisement no. 06060114 published by the Bihar Karmchari Chayan Aayog.

copy each of the notification no.2280 dated 19.5.201,issued under the signature of Special Secretary, department, Social and welfare. resolution contained in Memo No.8025 dated 21.5. 2013 issued under the signature of Joint Secretary then Personnel and Administrative Reforms department as well as the advertisement no. 06060114 issued by the Bihar Karmchari Chayan Aayog herewith



Annexure- and are annexed marked as 1,2, and 3 for identification which form part of this writ application.

Thereby the petitioners pray for restraining the respondents from refusing their online application on the ground of age bar, for such appointment.

(iii) The petitioners further pray for a direction to the respondents to grant them weightage of marks in matter of such selection for appointment as Lower Division Assistant on regular basis in the light of the policy decision of the respondent State Circulated by the resolution dated 21.5.2013 issued by the Personnel and Administrative Reforms department (Annexure-2), taking into account the fact that by reason of their discharge of duties attached to the same posts, advertised by the on line advertisement no. 06060114 (Annexure-3) against which they are working presently on contract basis, the petitioners have acquired requisite experience.”

In view of the response filed by the State, and more specifically Paragraph 5 thereof, which is extracted as under:-

“5. That at the outset it is stated and submitted that as per Clause-6(2) of Notification 2280 dated 19.05.20 14 whereby Bihar Integrated Child Development Clerical Cadre (Appointment and Service Condition) Rule 2014 it is very clear that maximum age limit will be same which will be decided by State Government (General Administrative Department) from time to time. In this view of the matter the relaxation in age limit will



be same as envisaged in the Notification of General Administrative Department from time to time Moreover in advertisement Clause-3 and 4 (Annexure-3). It is very clear mentioned about relaxation. As such the relief prayed in paragraph no. 1 of writ petition is misconceived.

We do not find any reason sufficient enough to interfere in the present petition. The selection process pertains to the year 2013. Also, we notice that the criteria of age could not have been relaxed, moreso in view of the instructions issued by the State Government (General Administrative Department) from time to time.

For the aforesaid reasons, the present petition stands disposed of.

Interlocutory Application(s), if any, shall stand disposed of.

(Sanjay Karol, CJ)

(Partha Sarthy, J)

Prakash/PKP

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

