

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.1427 of 2021**

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1. Satyendra Kumar Singh S/o Late Sudeshwar Singh, resident of Village - Karkat Bigha P.O. Ranipur Paliganj, P.S. Paliganj, District - Patna.
2. Om Prakash, S/O Sri Jay Ram Sharma, resident of Village - Dulhin Bazar, P.S. Dulhin Bazar, District - Patna.
3. Pramod Sharma, S/o Sri Krishna Sharma, resident of Village - Sherpur, P.S. Maner, District - Patna.
4. Subhash Chandra Tiwary, Son of Sri Ramesh Chandra Tiwary, resident of Village - Gangahara, P.S. Shahpur, District - Patna.
5. Nirmal Kumar Pandey, S/o Ram Pujan Pandey, resident of Village - Shivshagar, P.S. Shivshagar, District - Rohtas.
6. Vikrma Ditya Pathak, S/O Haribansh Pathak, resident of Village - G.T. Road Karmnasha, P.S. Durgawati, District - Kaimur.
7. Shashi Kant Mishra, S/o Late Kamta Nath Mishra, resident of Village - Pitra, P.S. Piro, District - Bhojpur.
8. Sri Bhagwan Mishra, S/o Late Banshidhar Mishra R/o Village - Durgadih, P.S. Bikramganj, District - Rohtas.
9. Dinesh Kumar Tiwary, S/o Vijendra Nath Tiwary, R/o Mohalla - Sarvodeya Printing Press Rajendra Path Kadamkuan, P.S. Kadamkuan, Town and District Patna .
10. Archana Kumari, D/o Kamleshwar Pathak, resident of Village Bihta Shivshankar Nagar, P.S. Bihta, District - Patna.
11. Anil Kumar Singh, S/o Agnideo Singh, resident of Village - Sirsa Rai, P.S. Amnour, District - Saran.
12. Keshav Prasad Singh, S/o Kishori Saran Singh, resident of Village-Bhaluahi, P.S. Nayagawn, District - Sheohar.
13. Niraj Kumar, Son of Dr. B.K. Chaubey, resident of Village - Sirisiya Adapur, P.S. Adapur, District East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, General Administration Department Government of Bihar, Patna.
3. The Principal Secretary, Health Department Government of Bihar, Patna.
4. The Bihar Technical Service Commission Patna through its Chairman.
5. The Secretary, Bihar Technical Service Commission, Patna.
6. The Deputy Secretary, Bihar Technical Service Commission, Patna.

... .. Respondent/s



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**Appearance :**

For the Petitioner/s : Mr. Ajay Kumar Sharma, Advocate  
For the Respondent/s : Mr. Birju Prasad, GP 13  
For the Commission : Mr. Nikesh Kumar, Advocate

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

**Date : 13-05-2022**

Heard learned counsel for the respective parties through  
virtual court proceedings.

2. In the instant petition, petitioners have prayed for the  
following relief/reliefs:

“(i) Issuance of a direction, order or writ,  
including writ in the nature of mandamus commanding  
the concern respondent authorities under the Health  
Department of the State Government as well as Bihar  
Technical Service Commission, Patna (hereinafter  
referred to as “The Commission”) to take steps  
towards extending the benefits of relaxation in the  
upper age limit prescribed for consideration of cases of  
candidates for appointment against the posts of Ayush  
Medical Officer pursuant to advertisement nos. 4/2020  
Ayurvedic Medical Officer, advertisement No. 5 Ayush  
Physician (Ayurvedic), advertisement No. 6  
Homeopathic Medical Officer, advertisement No. 7  
Ayush Physician Homeopathic, advertisement No. 8  
Unani Medical Officer and advertisement No. 9 Ayush  
Physician Unani issued the Commission in accordance



with the decision of the State Government as contained under letter dated 23.01.2006 bearing letter No. 212 issued by the concerned authorities under the Personnel and Administrative Reforms Department of the Sate Government.

(ii) Issuance of a direction, order or writ, including writ in the nature of mandamus commanding the concerned respondent authorities under the Commission to refrain from action in furtherance of advertisement nos. 4 to 9 till the time appropriate provisions are made under the said advertisements for extending the benefits of relaxation in the matter of maximum age prescribed for appointment against aforesaid post of the Health Department of the State Government in compliance of the decision of the Government as contained under the aforesaid letter dated 23.01.2006 bearing letter No. 212 issued by the concerned authorities under the erstwhile Personal and Administrative Reforms Department of the State Government (now renamed as “The General Administration Department”).

(iii) Issuance of a declaration holding that the petitioners and other similarly situated persons who despite having crosses the maximum age limit prescribed under the aforesaid advertisement are entitled for being extended the benefits of relaxation in



view of the fact that the last advertisement for consideration cases of candidates for appointment against the posts of Ayush Medical Officer was published in year 1996 and ever since then no steps have been taken by the concerned authorities towards making appointment against the said posts.

(iv) Issuance of an ad-interim direction upon the concerned authorities under the Commission to refrain from acting in furtherance of the advertisement nos. 4 to 9 and or in the alternative allow the present petitioners to provisionally submit their advertisement forms pursuant to the said advertisement for consideration of their cases for appointment against the aforesaid posts of subject to the outcome of the present writ application.

(v) Any other relief/reliefs that the petitioners may be found to be entitled to in the facts and circumstances of the present case.”

3. Learned counsel for the respondent – Commission fairly submitted that the present matter is identical to that of C.W.J.C. No. 8997 of 2020 decided on 13.04.2022. It is further submitted that the present petition may be disposed off in terms of the aforesaid order.



4. Accordingly, present petition stands disposed off in terms of order passed in C.W.J.C No. 8997 of 2020. Whatever direction given in the aforesaid order is applicable to the petitioners in the present case.

**(P. B. Bajanthri, J)**

GAURAV S./-

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