

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6026 of 2022

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Manoj Kumar Choudhary, S/o Late J.L. Choudhary, R/o SARDA SADAN,
Opp. BMP-16, Danapur, Khagaul, P.S.-Phulwarisharif, District-Patna-801105.
... .. Petitioner

Versus

1. The State of Bihar through the Additional Chief Secretary, Cabinet Secretariat Department, Government of Bihar, Patna, Bihar.
2. The Bihar Vikas Mission through its Chief General Manager, office at Bihar State Building Construction Nigam Campus, Patna.
3. The Chief General Manager of Bihar Vikas Mission, office at Bihar State Building Construction Nigam Campus, Patna.
4. Scalene Works People Solutions LLP through its Manager office at J442 plus RWX, Rajbanshi Nagar, Patna-800023 having its Head Office at Workshaala, 1st Floor, 100 Feet Road, Indiranagar, Bengaluru-Karnataka-560038.

... .. Respondents

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Appearance :

For the Petitioner/s	:	Mr.Waliur Rahman, Advocate
For the Bihar Vikas Mission	:	Mr.Lalit Kishore, Sr. Advocate
		Mr.Pawan Kumar, Advocate
		Mr.Devesh Shankaran, Advocate
For the State	:	Mr.Rakesh Ranjan, AC to GP-22

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 01-05-2023 Heard learned counsel for the petitioner and the learned senior counsel for the Bihar Vikas Mission (hereinafter referred to as the “Mission”).

Petitioner in the present case is seeking a writ in the nature of Writ of Mandamus directing the respondents to reconsider his name as candidate from Scheduled Caste quota for appointment on the post for which the petitioner applied.

Learned counsel for the petitioner submits that the petitioner deserves age relaxation because he is suffering from Benchmark Disabilities and as per their own decision of the



Mission, the person suffering with Benchmark Disability would be entitled for relaxation to the extent of 15 years. He has relied upon a Government of India's office memorandum dated 29th June, 2015 issued by the Ministry of Personnel, Public Grievances and Pensions, Department of Personnel and Training.

A counter affidavit has been filed on behalf of the Mission. It is stated that the Mission has empaneled professional hiring agencies for conducting the recruitment process for various positions. So far as the present petitioner is concerned, he applied for the post of Manager in phase-VII . The petitioner is said to have made two online applications for the post of Manager against the recruitment notification dated 17.01.2022. One registration is with registration no. SW40589C8743 in which he has mentioned his Date of Birth as 02.12.1971 whereas in another registration, with registration no. SW95129C7529 he has mentioned his Date of Birth as 16.02.1971. However, as per the document, the date of the birth of the petitioner is 16.02.1971. The candidature of the petitioner with registration no. SW40589C8743 has been rejected on the ground of age stating that the applicant's age as



on 01.08.2021 is 49 years, 7 months, 30 days and as per marking scheme, maximum age limit for SC category is 45 years. Learned senior counsel for the Mission has further pointed out that the candidature of the petitioner with respect to registration no. SW95129C7529 had been rejected on the ground of age, however, the petitioner raised a grievance only against the rejection of his candidature under Registration no. SW95129C7529. So far as registration no. SW40589C8743 is concerned, no grievance was submitted by the applicant when the opportunity was provided.

This Court finds from the records that so far as the present case is concerned, it has been filed with reference to the registration no. SW40589C8743. In course of hearing, when this Court called upon learned counsel for the petitioner to produce the letter of Bihar Vikas Mission regarding disabled applicants which he has mentioned in his grievance, though that was not in respect of the present registration no., learned counsel is unable to refer any such document.

Having regard to the statements noted hereinabove and the materials available on the record, this Court finds no plausible ground to direct re-consideration of the candidature of the petitioner. Admittedly, he has crossed the age



limit and against the registration vide registration no.
SW40589C8743, he had not submitted any grievance petition.

This application is dismissed.

(Rajeev Ranjan Prasad, J)

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