

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.573 of 2022

In

Civil Writ Jurisdiction Case No.8997 of 2020

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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.

... .. Appellant/s

Versus

1. Arun Kumar Mishra Son of Bashist Narayan Mishra Resident of Village Bashistpuri, Chandwa, Near New Housing Colony, P.O.- Chandwa, P.S. Nawadah, Ara, District- Ara (Bhojpur).
2. Nirmal Kumar Rai, Son of Baliram Rai Resident of Village- Katira, East Gate of H.D. Jain College, Katira, Post and PS-Nawadah, Ara, District- Ara (Bhojpur).
3. Dr. Shiv Kumar, Son of Haribansh Singh Resident of Village -Balraj, Post-Belanaudi PS- Mohania, Distt.- Kaimur (Bhabua).
4. Ramesh Kumar Singh, Son of Laldip Singh Resident of Village and PO-Sarai, Bux, PS- Bheldi, District- Chapra, (Saran).
5. Sakesh Kumar, Son of Bindeshwari Prasad Sah Resident of Village-Nayagaon Cementery Road, PO- Jamalpur, PS- East Colony, District-Munger.
6. Md. Asadullah, Son of Md. Naimuddin Resident of Village and PO-Daulatpur, PS- Muffasil Ara, District- Ara (Bhojpur).
7. Md. Heshamuddin, Son of Md. Karimullah Resident of Village and PO-Raghunathpur, PS- Brahmpur, District-Buxar.
8. Yogendra Singh, Son of Bechan Singh Resident of Village Jalipur, PO-Sonpa, PS- Rajpur, District- Buxar.
9. Lal Jee Singh, Son of Raghu Nath Singh Resident of Village and PO-Konauli, PS-Rajpur, District- Buxar.
10. Saroj Kumari, Wife of Vijay Bahadur Singh Resident of Village -Bharasara, PO and PS- Dhigha Bhojpur, District- Bhojpur.
11. Dr. Ashwini KUMar Singh, Son of Mukteshwar Singh Resident of Ward no. 10, Panchayat Pauwakhali, Thakurganj Block, PO and PS- Pauwakhali, District- Kishanganj.
12. Dr. Sheo Nandan Mahaton, Son of Jhari Mahto Resident of Village Near Shiv Mandir, PO Khizir Chak, Pauwakhali, PS- Barauni, District- Begusarai.
13. The Bihar Technical Service Commission, 19 Harding Road, Govt. of Bihar,



Patna through its Secretary.

14. The Chairman, Bihar Technical Service Commission, 19, Harding Road, Patna.
15. The Secretary, The Bihar Technical Service Commission, 19, Harding Road, Patna.
16. Dr. Vishwakarma Sharma S/o Dinanath Sharma, Vill. and P.O.- Hasua, P.S. Nautan, Dist- Siwan.
17. Dr. Ras Bihari, S/o Late Hargovind Tiwari, R/o Vill and P.O.- Baraki, Nainijore, P.S.- Nainijore, P.S.- Brahmpur, Dist- Buxar.
18. Dr. Kumar Chandra Bhushan S/o Shiv Narayan Lal R/o Vill- Hatiya Gachhi South Ward No. 31, P.S. Hatia, Dist- Saharsa.
19. Dr. Md. Ijrail Ansar @ Mohd. Ijrail, S/o Tasawar Hussain, R/o Mali Tola Naya Qila Town P.S.- Siwan, Dist- Siwan.
20. Dr. Amar Nath Sharma, S/o Baijnath Sharma, R/o Baro Bao, P.S.- Phulwaria, Dist- Begusarai.
21. Dr. Binod Kumar Mishra, S/o Ganesh Nath Mishra, R/o Shivpuri, Ward No. 9, P.S. and Dist.- Araria.
22. Dr. Jewan Krishna Mitra, S/o Jitendra Nath Mitra, R/o Vill- Sonbarsa, P.S.- Sonbarsa, Dist- Sitamarhi.

... .. Respondent/s

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with
Letters Patent Appeal No. 572 of 2022
In
Civil Writ Jurisdiction Case No.288 of 2021

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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.

... .. Appellant/s

Versus

1. Mazher Alam son of Md. Manzour Alam resident of village and PO Bathauli Tiltrath Ward No. 3, P.S. Barauni, District- Begusarai.
2. Santosh Kumar Bhartiya son of Ramvadan Singh resident of ward No. 4, Rahua, P.O. Rahua, P.S. S. Kamal, District- Begusarai.
3. Raman Kumar Jha s/o Raghunandan Jha resident of vill- Salouna, ward No. 15, Nagar Panchayat, Post Bakhri, P.S. Bakhri Bazar, Dist.- Begusarai.
4. Ajay Kumar son of Shri Ram Singh resident of ward no. 8 Khamhar, P.S.



Begusarai Mufassil, Dist.- Begusarai.

5. Karuna Kumari wife of Ajay Kumar resident of village- P.O. Kamhar, P.S. Begusarai Mufassil, Dist.- Begusarai.
6. Sangeeta Rajan wife of Pankaj Kumar Singh resident of Ratan Chowk, P.S. Barauni, District- Begusarai.
7. Mahindra Bhusan son of Ramanand Prasad resident of ward No. 38, Chankya Nagar, P.O. Bisnupur, P.S. Nagar Thana, Begusarai, Distt.- Begusarai.
8. Dimple Kumari wife of Manmohan Bhusan resident of ward No. 38 Chankya Nagar, P.O. Bisnupur, P.S. Nagar Thana, Begusarai, Dist.- Begusarai.
9. Ganesh Kumar Choudhary son of Late Swarh Choudhary resident of vill Haripur, P.O. Piprachevat, P.S. Barauni, Distt.- Begusarai.
10. Sanjay Kumar son of Shri Naval Kishor Singh resident of Lohiyanagar, P.O. Suhralya Nagar, P.S. Lohiyanagar, Distt.- Begusarai.
11. Ajeet Kumar son of Shri Dharendra Ray resident of ward No. 31 GD college Road, Mirganj, P.S. Nagar Thana, Begusarai, Dist.- Begusarai.
12. Amanendra Kumar son of Kapildev Prasad Singh resident of ward No. 10 Vasdevpur, P.O. Koriya, P.S. Mufassil, Thana Distt.- Begusarai.
13. Ashok Sharma son of Late Nawal Kishore Sharma resident of Ward No. 22, P.S. Ratanpur, OP Dist.- Begusarai.
14. The Bihar Technical Services Commission, 19, Harding Road, Govt. of Bihar, Patna through its Secretary.
15. The Chairman, Bihar Technical Services Commission, 19, Harding Road, Patna.
16. The Secretary, The Bihar Technical Services Commission, 19, Harding Road, Patna.

... .. Respondent/s

Appearance :

(In Letters Patent Appeal No. 573 of 2022)

For the Appellant/s	:	Mr. Prashant Kumar Shahi, A.G. Mr. S.D. Yadav, AAG-9 Mr. Braj Bhushan Mishra (A.C. To A.A.G.9)
For the Pvt. Respondent	:	Mr. Chakrapani, Adv.
For the B.T.S.C.	:	Mr. Nikesh Kumar, Adv.
For the Intervenors	:	Mr. Hridayal Kumar, Adv.

(In Letters Patent Appeal No. 572 of 2022)

For the Appellant/s	:	Mr. Prashant Kumar Shahi, A.G. Mr. S.D. Yadav, AAG-9 Mr. Nagendra Kr. AC to AAG9
For the Respondent/s	:	Mr. Chakrapani, Adv.
For the B.T.S.C.	:	Mr. Nikesh Kumar, Adv.
For the Intervenors	:	Mr. Hridayal Kumar, Adv.

**CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
and
HONOURABLE MR. JUSTICE HARISH KUMAR**



ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR)

Date : 12-04-2023

Heard learned counsel for the parties.

Both the appeals are directed against the judgment passed by the learned Single Judge in a batch of writ petitions, the lead case being CWJC No. 8997 of 2020 wherein, reading the provisions of the Bihar District Ayush Medical/State Ayush Medical Service (Appointment on Regular/Contract basis and Service Conditions) Rules, 2010, the learned Single Judge has opined that since the last of the processes to fill up the post was conducted in the year 1996-97 and the present process has been initiated in the year 2020, age relaxation of 23 years ought to be given to the candidates, which period is calculated from 1997 to 2020.

The aforementioned decision was based on a Circular of the Government which provides that age relaxation is permissible, for which the consideration would be the last recruitment to the present recruitment.



Though, We had some reservations about the correctness of the order but, over a period of time, since the entire recruitment process has been put on hold, the State has taken a decision to implement the judgment passed by the learned Single Judge referred to above.

The State agrees to extend the relaxation age of employees to 23 years, permitting them to appear in the selection process where the selection is to be made only on the basis of marks and not on the basis of any examination.

In view of the administrative decision taken by the State, both the appeals are not pressed.

The appeals are disposed of as not pressed.

(Ashutosh Kumar, J)

(Harish Kumar, J)

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AFR/NAFR	NAFR
CAV DATE	NA
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Transmission Date	

