

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4945 of 2018

Satish Nand Kumar

... .. Petitioner/s

Versus

The State Of Bihar and Ors

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. P.N. Sahi, Sr. Adv Mr. Shivam Adv
For the Respondent/s	:	Mr.Md. N.H. Khan- SC1 Mr. Md. Fazal Karim, AC to SC 1

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

4 10-10-2023 Heard learned senior counsel for the petitioner and
learned counsel for the State.

2. The present petition has been filed with the very limited prayer to modify the order contained in letter no. 4323 dated 11.04.2017 by which exemption from appearance in departmental examination has been granted to the writ petitioner with effect from 19.01.2017 treating the said date to be the date on which the petitioner applied for examination to be shifted and applicable from the date 12.11.2008 on which the petitioner has filed application granting exemption.

3. Learned Senior counsel for the petitioners submits that vide Annexure-8 letter No.4323 dated 11.04.2017 exemption has been granted to the petitioner from appearing in the departmental computer examination due to completion of 50



years but date of exemption has been made with effect from 19.01.2017. Counsel further submits that the exemption has been granted to the petitioner by virtue of Letter No. 4368 dated 28.08.2009 in which it is categorical stand of the state that exemption order shall be effective from the date of application upon completion of 50 years.

4. Counsel for the petitioner further submits that in Paragraph 10 of the writ petition, the petitioner has categorically mentioned that the petitioner has filed application for exemption on 12.11.2008 (Annexure-3) and the said letter was acknowledged by the office of Inspector General of Police, Darbhanga vide letter dated 12.01.2012 according to which his matter was forwarded to the General Administrative Department Bihar, Patna acknowledging that petitioner has completed the age of 50 years and should be granted exemption from appearing in the departmental examination. Counsel submits that in the light of the said letter No. 4368 dated 28.08.2009 (Annexure-4) modification and date of exemption be changed from 19.01.2017 to 12.11.2008.

5. Counsel for the State opposes the prayer and submits that Annexure 4 has rightly been issued and there is no need to make any changes as the said letter has been issued in



favour of the petitioner granting exemption with the effective date 19.01.2017.

6. Upon hearing the parties and going through the records and the affidavits filed by the respective parties, it transpires that the specific pleading made by the petitioner in Paragraph 10 has not been denied by the respondents in the Counter affidavit.

7. In the Counter affidavit, the respondents has kept mum in paragraph 10. As such, this Court is of the opinion that there is no denial then it amounts to admission, and therefore, this writ petition is allowed directing the respondents to treat annexure-1 by which exemption has been granted to the petitioner with effect from 19.01.2017 be effective from 12.11.2008.

8. With this observation and direction, this writ application is allowed.

(Dr. Anshuman, J)

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