

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.4568 of 2022**

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1. Radha Krishna Tiwari Son of Late Ramji Tiwari Resident of Village- Daridih, P.O.- Mansagar, P.S.- Sikarahatta, District- Bhojpur. (Ayush Ayurved)
  2. Awadhesh Mishra S/o Late Gangadhar Mishra Resident of Village- Head- Manpur, P.O. and P.S.- Buniyadganj, District- Gaya (Ayush Homeopathy)

... .. Petitioner/s

Versus

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.
6. The Bihar Technical Services Commission, 19, Hardinge Road, Government of Bihar, Patna through its Secretary.
7. The Chairman, Bihar Technical Services Commission, 19, Hardinge Road, Patna.
8. The Secretary, The Bihar Technical Services Commission, 19, Hardinge Road, Patna.

... .. Respondent/s

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**Appearance :**

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| For the Petitioner/s | : | Mr.Dipak Kumar, Advocate     |
| For the Respondent/s | : | Mr.Birju Prasad ( Gp 13 )    |
|                      |   | Mr.Ravi Kumar, AC to GP-13   |
|                      |   | Ms.Shweta Anand, AC to GP-13 |
|                      |   | Mr.Ajit Anand, AC to GP-13   |
| For BTSC             | : | Mr.Nikesh Kumar, Advocate    |

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**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH**  
**ORAL ORDER**

2      23-01-2024

1. The present writ petition has been filed seeking  
the following relief(s):-

*“1(i) Issuance of an order, direction or writ in  
the nature of Certiorari quashing that part of*



*advertisement no-4/2020--9/2020,as contained in clause 3 by which the age limit for appointment on the post of Ayush doctors as on 01.08.2020 has been fixed as 37 year (UR), SC/ST (Male & Female)(42 yrs) and BC/OBC (Male & Female) (40 yrs) by the Bihar Technical Service Commission (hereinafter referred to as "Commission").*

*(ii) Issuance of an order, direction or writ in nature of Mandamus to the respondent Commission /respondent authorities to fix the age limit as per Circular dated 23.01.2006 which categorically stipulates the relaxation of age has to be granted keeping in mind, the last advertisement issued for permanent appointment.*

*(iv) Issuance of an order, direction or writ in nature of Mandamus to the respondent authorities to refix the maximum age limit and thereafter allow the petitioners to fill up their forms for permanent appointment on the post of Ayush doctors*

*(v) Issuance of an order, direction or appropriate declaration that the Commission cannot decide eligibility criteria dehors the Rules.”*

2. At the outset, the learned counsels for the parties are in agreement that the State Government has already taken a



decision to grant age relaxation of 23 years to the contractual employees, for the purposes of permitting them to participate in the selection pertaining to appointment of Ayush Doctors, hence it is submitted that the present writ petition has been rendered infructuous, thus the same be disposed off.

3. Accordingly, the present writ petition stands disposed off as not pressed.

**(Mohit Kumar Shah, J)**

Saurav/-

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