

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4532 of 2022

1. Satyendra Kumar Sinha Son of Late Mahendra Prasad Nigam Resident of near Kanhauli Pokhar, Khadi Bhandar Chowk Musahri, District- Muzaffarpur. (Ayush Homeopathy).
2. Renu Sinha W/o Sachchu Kumar Singh Resident of Flat No.04, 3D, Friends Colony, New Patliputra Colony, P.O. and P.S.- Phulwarisharif, District- Patna (Ayush Homeopathy).
3. Ashok Kumar S/o Late Ram Narain Sah Resident of Village Kharzam, PO and PS- Mahnar, District- Vaishali (Ayush Ayurved).
4. Anuradha Kumari W/o Ashok Kumar Resident of Village- Kharzam, PO and PS- Mahnar, District- Vaishali (Ayush Ayurved).
5. Krishnadeo Prasad S/o Late Baijnath Prasad Resident of Village- Manjhadih, PO and PS- Gopalganj Parsabazar, District- Patna (Ayush Homeopathy).
6. Ramashankar Prasad S/o Late Ram Sewak Ray Resident of Village Bagar Bhaur, PO and PS- Betaha, District- Sitamarhi (Ayush Ayurved).
7. Dr. Panchdeo Chauhan S/o Mola Chauhan Resident of Village- Majhawatiya, PO- Khalwagaon, PS- Kateya, District- Gopalganj (Ayush
8. Shyam Kumar Singh S/o Sri Ramashankar Prasad Singh Resident of Village North of Gayatri Mandir, Nazirpur, Sahulpur, PS- Ahiyapur, District- Muzaffarpur (Ayush Homeopathy)
9. Arun Kumar S/o Late shiv Shankar Prasad Resident of Village- Belsand, Ward No.- 6, Nagar Panchayat, PO and PS- Belsand, District- Sitamarhi (Ayush Homeopathy).
10. Varun Kumar Jha S/o Nirbhay Kant Jha Resident of Village- Rampatti, PO- Raghobpur, PS- Balat, District- Raghobpur (Ayush Ayurved).
11. Bijendra Kumar S/o Sitaram Chowdhary Resident of Chowdhary Mohalla, PO and PS- Dehri on Sone, District- Rohtas (Ayush Ayurved).
12. Surendra Kumar Verma S/o Jagdish Prasad Resident of Village- Sobh, PO- Bhadeya, PS- Barachatti, District- Gaya (Ayush Homeopathy).
13. Tripurari Nath Gupta S/o Baleshwar Prasad Resident of 250, Krishnapuri Bagmali, PS- Town Thana, District- Hajipur (Vaishali) (Ayush Ayurved).
14. Ganga Sagar Singh S/o Ghurhu Singh Resident of Chowdhary Mohalla, near Ex Chairman, PS- Dehri, District- Rohtas (Ayush Homeopathy).
15. Kumari Sudha Mishra D/o Dr. Hira Lal Mishra Resident of Flat No- 202, Behind J.D. Womens College, Cecon Palace, Phulwari, Patna (Ayush Ayurved).
16. Srichand Pandit S/o Late Makhan Pandit Resident of Village Premnagar, Tole Bahori, PO- Masum Nagar urf Prem Nagar, PS- Runnisaipur, District- Sitamarhi (Ayush Ayurved).
17. Hari Mohan Jha S/o Krishna Kant Jha Resident of Chowk, PO and PS- Patna City, District- Patna (Ayush Ayurved).

... .. 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, Bihar Technical Services Commission, 19, Hardinge Road, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Dipak Kumar, Advocate
For the Respondent/s	:	Mr.Nagendra Pd. Yadav (Sc 23)
For BTSC	:	Mr.Nikesh Kumar, Advocate

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 process 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)

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