

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4688 of 2024

Vikash Kumar Son of Raj Kishore Singh Resident of Village-Bikrampur P.S.-
Cheriya Bariyarpur, P.O.-Bikrampur, District- Begusarai

... .. Petitioner

Versus

1. The State of Bihar through its Additional Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Education Department, Government of Bihar, Patna.
3. The Chairman, Bihar Public Service Commission, Nehru Path Bailey Road, Patna.
4. The Examination Controller TRE III Bihar Public Service Commission, Nehru Path Bailey Road, Patna.
5. The Director, Secondary Education, Education Department, Government of Bihar, Patna.

... .. Respondents

Appearance :

For the Petitioner/s	:	Mrs. Ritika Rani, Advocate
For the Respondent/s	:	Mr. Vijaya Laxmi Srivastava, Advocate Ms. AC to SC-23
For the BPSC	:	Mr. Sanjay Pandey, Advocate Mr. Nishant Kumar Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE NANI TAGIA
ORAL JUDGMENT

Date : 30-07-2024

Heard learned counsel for the parties.

2. This writ petition has been filed by the petitioner with the following prayers:

"...i. For quashing clause 3(iii) of advertisement no.22/2024 dated 07/02/2024 as contained in Annexure-P/3 issued under signature of Examination Controller TRE III, Bihar Public Service Commission whereby the upper age limit for Economically weaker Section (EWS) category has not been provided rather fixation has been made only for Unreserved (male) category as 37 years, Backward Class/Extremely Backward Class category as 40 years, Unreserved(female) as 40 years and scheduled caste/scheduled tribe category as 42 years but no column for Economically Weaker Section (EWS) category has been provided



ii. Also for commanding the respondent to grant relaxation of 3 years in upper age limit against the Economically Weaker Section(EWS) category as awarded against category of, Backward Class/Extremely Backward Class and Unreserved (female) the Gazette notification was published on 26/02/2019 as contained in Annexure - P/2 for providing 10% reservation for Economically Weaker Section category and other reservation benefits but even after enactment of Rules 2019 no relaxation has been given in upper age limit against Economically Weaker Section category neither the upper age limit has been disclosed for the Economically Weaker Section category against the Advertisement no. 22/2024 as contained in Annexure-P/3 when the upper age limit has been provided for all the other reserved category

iii. Also for commanding the respondent to condone the age relaxation of 7 months and 17 days in favour of petitioner and allow him to participate against Advertisement no. 22/2024 as contained in Annexure-P/3 for appointment to the post of Senior Secondary Teacher in subject of Physics considering the petitioner fulfils all the criteria to participate against Advertisement no. 22/2024 but in view of clause 3 of Advertisement no.22/2024 the petitioner is restrained from participating from Advertisement no. 22/2024.

iv. Also for commanding the respondent for granting age relaxation of 5 years in favour of petitioner who has been discharging his duty as Guest teacher since 12/07/2018 at Town Uchch Vidyalaya, Munger in the subject of Physics after appointment was made against notification no.51 dated 25/01/2018 considering as per clause 3 of the advertisement no. 22/2024 as contained in Annexure -P/3 candidates who have been working for 3 years continuously has been granted relaxation of 5 years in upper age limit to the government servants in the State of Bihar.



v. Also for taking final decision upon representation dated 15/02/2024 made before Upper Secretary, Education Department, Government of Bihar, Patna, Chairman, Bihar Public Service Commission, Patna and Director, Secondary Education, Government of Bihar, Patna as contained in Annexure-P/5, P/6 and P/7 and communicate his decision in the end of justice..."

3. It has been stated by the learned counsel for the BPSC that the written examination of the Advertisement No. 22/2024 has been concluded on 22.07.2024. The result of the written examination, however, has not been published.

4. Since the written examination of the Advertisement No. 22/2024 has been concluded on 22.07.2024, the reliefs sought for by the petitioner in the instant writ petition can not be granted by this Court at this stage.

5. Therefore, this writ petition shall stand disposed of with a liberty granted to the petitioner to challenge the final selection that may be made by the Commission pursuant to the written examination conducted on 22.07.2024, in terms of the Advertisement No. 22/ 2024.

6. This writ petition is disposed of.

(Nani Tagia, J)

Nishant/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	30.07.2024.
Transmission Date	NA

