

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15183 of 2013

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Ajay Kumar Son of Sri Harihar Prasad C/O Sri Dinesh Kumar, Bindi Bhawan
Indra Nagar, Road No. 4, P.S. Jakkanpur, District - Patna - 1

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Chief Election Officer Patna, Harding Road, Bihar, Patna
3. The Presiding Officer Bihar State Election Tribunal Old Secretariate, Bihar, Patna
4. The Under Secretary, Bihar State Election Tribunal, Old Secretariate, Bihar, Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sanjay Kumar Ojha, Advocate Mr. Ved Prakash Chandan, Advocate
For the Bihar State Election Authority :		Mr. Mukesh Kumar Thakur, Advocate
For the State	:	Mr. Prabhakar Jha, GP-27

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL JUDGMENT

Date : 17-12-2025

Heard learned counsel for the parties.

2. The petitioner has filed the instant application praying for setting aside the selection process of the appointment on the post of Stenographer for the Bihar State Election Authority and to consider the case of the petitioner afresh.

3. The relevant facts in brief are that on the respondent Bihar State Election Authority coming out with an advertisement for appointment on the post of Stenographer, the petitioner who belongs to the category of Scheduled Caste



applied for the same. It is submitted that inspite of the petitioner having the requisite qualification, the petitioner not finding his name in the list of candidates eligible to appear in the test for appointment on the said post, the petitioner filed an application under the Right to Information Act. As per the reply received, brought on record as Annexure-3 to the application, the petitioner was informed that he being over-age as on 1.1.2013, his application has not been considered.

4. Learned counsel for the petitioner submits that so far as the age limit is concerned, the same is contained in Clause-3 of the Advertisement brought on record as Annexure-1 to the application. The same provides for an age limit of 40 years on 1.1.2013 for Extremely Backward Class (EBC) category. The date of birth of the petitioner being 16.4.1974, he was 38 years and 8 months ie below 40 years and his application should have been considered. Further reliance is placed by the petitioner on the resolution dated 29.6.2010 issued under the signature of the Special Secretary, General Administration Department, Government of Bihar wherein the maximum age limit for appointment in the category of Backward Class (BC) has been given to be 40



years and that in the category of Scheduled Castes (SC) and Scheduled Tribes (ST) has been given to be 42 years. It is thus submitted that the respondents should have followed the above resolution of the Government. They be directed to consider the application of the petitioner for appointment.

5. Learned counsel appearing for the Bihar State Election Authority (respondent nos. 2 and 3) opposes the writ application. It is submitted that though no counter affidavit has been filed in the case, however the application is fit to be rejected at the preliminary stage for the reason that the selection process is long over and none of the selected candidates has been made party respondent herein. Further none of the Clauses of the advertisement is also under challenge and the petitioner being over-age on 1.1.2013, the application of the petitioner was rightly not considered by the respondents.

6. Heard learned counsel for the parties and perused the material on record.

7. The facts not in dispute are that the matter relates to selection/appointment on the post of Stenographer for which the respondent Bihar State Election Authority came out with the advertisement contained in Annexure-1.



8. Clause-3 of the Advertisement which deals with the age of the applicant clearly provides that a candidate belonging to the Unreserved category should be between 18 years and 37 years on 1.1.2013 while a candidate belonging to the Extremely Backward Class (EBC) category should be aged 40 years on the higher side.

9. It is not the case of the petitioner that he belongs to the Extremely Backward Class (EBC) category. Thus the case of the petitioner was considered in the Unreserved category. As the age of the petitioner was 38 years and 8 months on 1.1.2013, the petitioner was higher than the maximum age of 37 years for the Unreserved category on the cut-off date. As such the Court finds no error in the respondents not considering the application for appointment of the petitioner.

10. The application is dismissed.

(Partha Sarthy, J)

Shiv/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	17.12.2025.
Transmission Date	

