

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7645 of 2017

1. Lal Bachchan Prasad son of Late Raghu Nandan Rawat, resident of Village- Pahlezipur, Post Office- Laxmiganj, Police Station- Goreyakothi, District- Siwan.
2. Bindeshwari Mahto, son of Late Sipahi Mahto, resident of Village and Police Station- Goreyakothi, District- Siwan.
3. Satyadeo Prasad, son of Late Jagat Narayan Prasad, resident of Village- Sisai Tola Murarpur, Post Office- Sisai, Police Station- Goreyakothi, District- Siwan.
4. Aslam Hussain, son of Jahir Hussain, resident of Village- Mustafabad, Post Office- Mustafabad, Police Station- Goreyakothi, District- Siwan.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Health Department, Government of Bihar, Patna.
2. The Principal Secretary, Personnel and Administrative Reforms Department, Government of Bihar, Patna.
3. The Director-in-Chief, Health Services, Bihar, Patna.
4. The District Magistrate, Siwan.
5. The Establishment Committee through its Chairman, Collector-cum-District Magistrate, Siwan.
6. The Deputy Collector, Establishment, Siwan.
7. The District Malaria Officer, Siwan.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Umesh Kumar Mishra, Advocate
For the State	:	Mr. Subhash Chandra Yadav (G.P-13)

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL JUDGMENT

Date : 18-07-2025

Heard learned counsel for the petitioners and
learned counsel for the State.

2. The present writ petition has been filed for the
following relief/s:-



“I. For commanding the respondent authorities concerned to provide the age relaxation and weightage of experience to the petitioners for Advertisement No. 01/2017-18 issued under the signature of District Magistrate, Siwan on 15.04.2017 relaxing the age of the petitioners, as the petitioners are seasonal employee of Malaria Department working seasonally since 1992 and onwards.

II. For commanding the respondent authorities concerned to relax the maximum age defined in Advertisement no.01/2017-18 by which the maximum age for BC/EBC category candidate the age has been fixed 40 years whereas the petitioners are above 40 years on 31.03.2017 and relaxation in the age of the petitioners may kindly be given, as they are seasonal employees in Malaria Department working since 1992 and onwards, as earlier order passed by this Hon'ble Court in C.W.J.C. No.8261/2011 (Baban Ram & Ors Vs. The State of Bihar & Ors) disposed of on 24.01.2014 by which the seasonal employees of Malaria Department have been given age relaxation etc.

III. For commanding the respondent authorities concerned to select/appoint the petitioners on Class IV post in the District of Siwan, as similarly situated as well as



junior to the petitioners have been selected/appointed on Class-IV post in the District of Siwan on the basis of the direction of this Hon'ble Court.

IV. For issuance of any other appropriate writ/writs, order/orders, direction/directions for which the writ petitioners will be found entitled in the facts and circumstances of the case.”

3. Learned counsel for the petitioners fairly submits that the present writ petition has been filed for appointment of Class-IV/Group-D employees in the State of Bihar. He submits that it is well known that the Government of Bihar has framed a rule in the year 2023 namely, बिहार कार्यालय परिचारी/परिचारी (विशिष्ट) (भर्ती एवं सेवा शर्तें) नियमावली, 2023 (hereinafter referred to as 'Rule 2023'), which came into existence by virtue of a notification no.17975 dated 22.09.2023. Counsel submits that in the light of the said Rule 2023, the petitioners become over age and their writ petition is pending before this Hon'ble Court since 2017 seeking relief on the basis of Advertisement No. 01/2017-18. Counsel submits that due to pendency of the litigation, petitioners have crossed upper age limit and they are not in a position to even appear in the examination process in the light of Rule 2023. Counsel seeks only permission that



at least the petitioners be permitted by this Hon'ble Court to appear in the examination process which has to take place in the light of Rule 2023.

4. Learned counsel for the State on the other hand submits that according to his knowledge, one such appointment under Rule 2023 has taken place. He submits that the result has also published in the said rule. Counsel further submits that the State is not aware of this fact that whether the petitioners have participated in the said examination process of appointment of Class-IV which has been published in the light of Rule 2023.

5. Learned counsel for the petitioner submits that the petitioners have never appeared in the said examination process published in the light of said Rule 2023.

6. It transpires to this Court that opportunity be granted to the petitioners to appear in the selection process in the light of Rule 2023 atleast once. Therefore, liberty is hereby granted to the petitioners that in-spite of the fact that petitioners have crossed maximum age limit to appear in the examination process based on Rule 2023, shall be permitted to appear only one time. It is made clear that in case petitioners already appeared in the earlier examination process which has been taken place in the light of Rule 2023 then in that case, they shall



not be permitted. But if they not appeared even for a single chance, then the commission shall grant permission to petitioners to appear in the examination process when the next advertisement come in the light of Rule 2023. It is made clear that the exemption of age also covers the exemption of education qualification.

7. Accordingly, with the aforesaid observation, this writ petition stands disposed off.

(Dr. Anshuman, J)

Divyansh/-

AFR/NAFR	
CAV DATE	NA
Uploading Date	22/07/2025
Transmission Date	NA

