

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7728 of 2026

1. Mukesh Kumar Son of Kaushal Prasad Singh, Resident of Madhopur, P.S.- Basdeopur, District -Munger
2. Navin Kumar Son of Late Gorakh Prasad, Resident of Village- Mishraulli, Darwaliya, P.S.-Yogapatti, District- West Champaran at present residing at Kumar Lodge West Kargahiya Road, P.S.- Kalibagh, District- West Champaran

... .. Petitioner/s

Versus

1. The High Court of Judicature at Patna through its registrar, Patna.
2. The Registrar, Patna High Court, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Sanjay Sinha, Advocate
	:	Ms. Niharika Rani, Advocate
For the Respondent/s	:	Mr. Piyush Lall, Advocate

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 19-06-2026

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

2. The present writ application is filed by the petitioners seeking a direction to the respondents to fix the cut off date for calculating maximum age limit for the post of District Judge (Entry Level) direct from the Bar under Advertisement No. BSJS/1/2026, as 01.01.2026.

3. That, this prayer is sought in light of the fact that there is a delay of almost two years in conducting the recruitment process.



4. Learned counsel for the petitioners submits that due to the advertisement having been issued after almost two years, after the advertisement of 2023, both the petitioners have been deprived of a fair chance of appearing in the examination advertised, through Advertisement No. BSJS/1/2026, without any fault of theirs. That such action of issuing a belated advertisement, by the authorities, is arbitrary and against the principles of equity and justice. It is also submitted that the authorities ought not to allow accumulation of vacancies created in previous years and such vacancies ought to be advertised as they arise, to prevent deprivation of persons from appearing in the competitive examination on the basis of having attained the maximum age limit.

5. Learned counsel appearing for the respondents submits that in the first instance, even if the cut off date for receipt of application is taken as 01.01.2026, the document filed by the petitioner no. 2 indicates that his date of birth is 13.11.1975, which thereby means that on 01.01.2026, he had already crossed the maximum age recommended for recruitment to the post i.e., 50 years and that, there is no document of age for the petitioner no. 1 to enable this Court to reach to a finding about his age.

6. We have heard the rival submissions of learned counsel for the parties at length. Across the bar, the learned counsel for the respondents has made over the Bihar Superior



Judicial Service Rules (Amendment) Rules, 2026 for perusal of this Court. We find from the document that, even if cut off date is presumed to be 01.01.2026, and even if this Court is inclined to order the respondents to consider the cut off date as 01.01.2026, yet the petitioner no. 2 would not qualify for taking the examination for the reason that he was born in the month of November, 1975 making him more than 50 years as on 01.01.2026. From a meticulous perusal of the documents, we also notice that the petitioner no. 1 has mentioned his age as 50 years in the affidavit sans supporting document to establish such age. Further, both petitioners have failed to substantiate by filing any document that vacancies had arisen after the Advertisement of 2023 and that the petitioners were prejudiced by such non-advertisement. In fact, the advertisement (*supra*) itself indicates the period when the vacancies have arisen after 2023.

7. We also take notice of the Amendment Rules, 2026 placed before us which at Rule 4, reads as follows;

“4. Substitution of Clause 1 of Appendix ‘C’ of the “Bihar Superior Judicial Service Rules, 1951 (as amended from time to time)” -Clause 1 of Appendix ‘C’ of the said rules shall be substituted as follows:-

Clause-1 Applicant must be of the age of 35 years and below the age of 50 years as on the date of application.”



8. Having given careful consideration to the averments in the petition and the submissions advanced before us and the foregoing discussions, we are of the considered view that the reliefs sought for cannot be and are not granted.

9. The writ petition stands dismissed and disposed of accordingly.

(Meenakshi Madan Rai, CJ)

(Soni Shrivastava, J)

anand/-

AFR/NAFR	
CAV DATE	NA
Uploading Date	22.06.2026
Transmission Date	.06.2026

