
(2013) 12 JH CK 0050

In the Jharkhand High Court

Case No : Writ Petition (S) No. 7526 of 2013

Bhola Nath Rajak, Ramchander Sahu and Anil Kumar Singh APPELLANT
Vs
The State of Jharkhand and Others RESPONDENT

Date of Decision : 20-12-2013

Acts Referred:

Citation : (2014) 1 JLJR 217

Hon'ble Judges : R. Banumathi, C.J; Shree Chandrashekhar, J

Bench : Division Bench

Advocate : Anil Kumar and Mr. Gautam Kumar, for the Appellant; Jai Prakash, A.A.G. for the State, Mr. Sanjoy Piprawall, Advocate for the JPSC and J.C. to Mr. Ajit Kumar, A.A.G. for the Respondent No. 5, for the Respondent

Judgement

1. The petitioners are represented by Mr. Anil Kumar. Mr. Jai Prakash, the Addl. Advocate General, appears on behalf of the State.
2. Mr. Sanjoy Piprawall, Advocate, appears on behalf of the Respondent Nos. 2 to 4.
3. J.C. to Mr. Ajit Kumar, A.A.G., appears on behalf of the Hon'ble Jharkhand High Court and waives service of notice.
4. The learned counsel for the petitioners has sought permission to correct the cut-off date in the writ petition from 31.01.2004 to 31.01.2009.
5. Permission is granted.
6. Accordingly, the counsel for the petitioners is permitted to amend the prayer in the writ petition.
7. The Respondent No. 2 issued the Advertisement No. 4/2013 published in different newspapers on 10.12.2013 inviting applications from the candidates for the post of Civil Judge (Junior Division) fixing the maximum age of 35 years for the candidates of General Category as on 31.01.2013.

8. The petitioners are stated to be born in the year, 1973 and they are aged 40 years now. The contention of the learned counsel appearing for the petitioners is that, since the respondents have not conducted examination for the post of Civil Judge (Junior Division) after 2008, the law graduates who completed the age of 35 years thereafter, would not be able to apply for the post of Civil Judge (Junior Division). The contention of the petitioners is that, by fixing the age limit of 35 years, by fixing the cut-off date for the candidates of General Category as on 31.01.2013, has caused serious prejudice to the candidates who have completed 35 years between 2009 till 2013 and therefore, prays that cut-off date for the age be fixed as on 31.01.2009.

9. In this regard, the learned counsel for the petitioners has drawn our attention to the judgment in "Sanjiv Kumar Sahay & others Vs. State of Jharkhand & others reported in 2000 (2) JLJR 543 which pertains to the recruitment on the post of Civil Judge (Junior Division) in 2008. Prior to 2008, the recruitment for the post of Civil Judge (Junior Division) was held in the year 2001. Having regard to the facts that the examination was not conducted for a long time, the cutoff date fixed in the then impugned advertisement (as on 31.01.2008) was relaxed to 35 years fixing the cut-off date as on 31.03.2003.

10. After recording the submissions by the then learned Advocate General appearing for the State and recording the submissions for the learned counsel appearing for the J.P.S.C. and the learned counsel appearing for the Jharkhand High Court also, in paragraph 26 of the judgment the Division Bench has observed as under:

26. We, therefore, dispose of all these writ applications with the following directions:-

(i) The cut-off date fixed in the impugned advertisement fixing maximum age as 35 years shall be as on 31.3.2003. This relaxation in age shall not confine only to writ petitioners but also for all candidates who are otherwise eligible for the said posts.

(ii) Time for submission of applications is consequently extended till 17th May 2008.

(iii) The respondents-Commission shall immediately inform about the age relaxation and cut-off date and also the last date of submission of application by publication in all the newspapers.

11. The learned counsel appearing for the petitioners submits that following the ratio of the said judgment, the cut-off date for the recruitment for the post of Civil Judge (Junior Division)-2013 pursuant to advertisement No. 4 of 2013 be fixed as 31.01.2009.

12. The learned counsel for the respondents has requested time for getting instruction in the matter.

13. Without expressing any opinion on the merits of the contention of the Petitioners, we permit the petitioners to submit their applications, fixing the maximum age 35 years with the cut-off date as on 31.01.2009. We also permit all those similarly placed persons who would be eligible to submit their applications and appear, taking the cut-off date as on 31.01.2009 (for the maximum age of 35 years).

14. We direct the respondent nos. 2 to 4 to issue supplementary advertisement by 24.12.2013 in this regard, (fixing the maximum age 35 years with cut-off date as on 31.01.2009. The applications so received taking the cut-off date 31.01.2009, shall be subject to the decision of this case and the same shall be indicated in the supplementary advertisement.

15. Let the name of Mr. Sanjay Piprawall appear in the cause list for the respondent nos. 2 to 4.

16. Let a copy of the order be served to the counsel for the J.P.S.C. Put up this case on 10.01.2014.