
(1999) 04 PAT CK 0014
In the Patna High Court
Case No : C.W.J.C. No"s. 3238 1999

Bishun Dutta Jha and Others

APPELLANT

Vs

Bihar Public Service Commission and Others

RESPONDENT

Date of Decision : 15-04-1999

Acts Referred:

Citation : (1999) 2 BLJR 1098 : (1999) 9 PLJR 215

Hon'ble Judges : Nagendra Rai, J

Bench : Single Bench

Final Decision : Allowed

Judgement

Nagendra Rai, J.—Heard the parties.

2. Both the matters relate to the advertisement No. 18/99 issued by the Bihar Public Service Commissioner (in short the Commission) for holding 25th Bihar Judicial Service Competitive Examination, 1999 and as such they have been hoard together on the I.A. Nos. 4423 & 4873/99.

3. The prayer made in both the interlocutory application is for a direction to the Commission to accept the form and fee of the candidates of the age of 31 years and also permit the candidates to appear in the examination who became over age due to non-holding of examination in terms of the Bihar Civil Services (Judicial Branch)(Recruitment) Rules, 1955.

4. It is provided in the advertisement, that the candidate should be under 31 years of age and over 22 years of age. However, the age is likely to be extended to 35 years. It is further provided therein that the age is to be determined w.e.f. 1.8.99 which now as admitted by the Counsel for the Commission, has been corrected as 1.8.98. In terms of the provision of the Rules which provides that the age is to be determined on the first day of August preceding the year in which the examination is to hold.

5. According to the petitioners as the maximum age of 31 years is fixed in terms

of the advertisement then the candidate above to the aforesaid age is not eligible for appointment to the post of judicial service whereas in other-services the age of general candidates has been extended up to 35 years.

6. In view of the fact that, in the advertisement itself, it is mentioned that the age is likely to be enhanced by 35 years the respondent-Commission by way of an interim direction is directed to accept the application of all the candidates who are up to the age of 35 years on the relevant date.

7. The other grievance of the petitioners is that in terms of rules every year vacancy has to be notified and the steps have to be taken by the Commission for appointment. However, due to laches on the part of the respondent, an examination is not being conducted for a long period as a result of which many candidates (Advocates) who were eligible to apply during that period, have now become overage. This grievance of the petitioner appears to be genuine as the rules provide that the vacancy has to be notified each and every year and the Commission has to take steps for holding the competitive examination and if the same is not done then the candidates who became illegible during that period cannot be allowed to suffer. As such by way of an interim order, a direction is issued to the respondents to allow the candidates also who were not eligible to apply in terms of the rules between the last advertisement and before issuance of advertisement 18/97 dated 18.3.97 for 25th Bihar Judicial Service Competitive Examination. Accordingly, the Commissioner is directed to issue a corrigendum or advertisement to this effect. This interim order is subject to the final result of the case.

8. With the aforesaid observation both the interlocutory applications stand allowed.