
(2000) 03 PAT CK 0106
In the Patna High Court
Case No : C.W.J.C. No. 969 of 1999

Dr. Raj Kumar Gupta

APPELLANT

Vs

State of Bihar and Others

RESPONDENT

Date of Decision : 28-03-2000

Acts Referred:

Citation : (2000) 2 PLJR 483

Hon'ble Judges : S.J. Mukhopadhaya, J

Bench : Single Bench

Advocate : Anil Chandra, for the Appellant; Mukesh Kumar, for State and Anil Kumar Tiwary, for B.P.S.C., for the Respondent

Final Decision : Dismissed

Judgement

S.J. Mukhopadhaya, J.—The Petitioner has preferred this application for direction on the Respondents to allow the Petitioner to appear in the examination for appointment to the post of Drug Inspector (Ayurvedic) in pursuance of Advertisement No. 29/97. Further prayer has been made to direct them to relax the age.

2. It appears that Advertisement No. 29/97 has been issued on 19th October, 1997 by B.P.S.C. wherein 1st October, 1997 has been fixed to be the cut-off date.

3. In terms with the said advertisement, the Petitioner becomes ineligible for appointment to the post of Drug Inspector (Ayurvedic), he being over age for more than one year and few months. For the said reason, this application has been preferred and prayer has been made to shift back the cut-off date to accommodate the Petitioner to appear in the examination.

4. According to the Counsel for the Petitioner, the vacancies are of the year 1989, therefore, the cut-off date should have been of 1989. Because of laches, the Respondents cannot render the Petitioner ineligible by fixing a subsequent cut-off date of 1st October, 1997.

5. Reliance has been placed on an unreported decision of this Court in C.W.J.C. No. 7891/98 (Dr. Narendra Tiwary v. State of Bihar and Ors.), disposed of on 25th November, 1998, wherein the Court allowed to appear in the examination, subject to fulfilment of other conditions.

6. Counsel for the Respondents rightly relied on the decision of this Court dated 19th January, 1998 passed in C.W.J.C. No. 9917/97 (Gyan Prakash and Ors. v. State of Bihar and Ors. and analogous case).

7. In the said case, the Court held that the Petitioner could not take advantage and did not choose to interfere with the cut-off date fixed in the advertisement.

8. In the present case, interim order was passed to allow the Petitioner to appear in the examination, subject to final decision. However, no examination has been held till date.

9. So far as the case of Dr. Narendra Tiwary (supra) is concerned, I find no decision given by this Court, on merit, but it merely allowed the said Petitioner to appear in the examination.

10. In the present case, on merit, I find that the Petitioner is not eligible being over-age, in terms with cut-off date fixed in the advertisement. The said cut-off date (1.10.1997) has also nexus, the advertisement having issued in October, 1997.

11. This apart, the plea of the Petitioner can not be accepted by directing the authorities to shift back the cut-off date to 1989, as it will render all the candidates, who become eligible since, 1990 onwards, as ineligible, without hearing them.

12. In the circumstances, no relief can be granted, as prayed for in the writ petition.

It is accordingly, dismissed.