
(2015) 12 JH CK 0016
In the Jharkhand High Court
Case No : WP(S) No. 5846 of 2015

Mosrat Ziya Tara

APPELLANT

Vs

The State of Jharkhand and Others

RESPONDENT

Date of Decision : 17-12-2015

Acts Referred:

Citation : (2015) 12 JH CK 0016

Hon'ble Judges : Aparesh Kumar Singh, J.

Bench : Single Bench

Advocate : Ashok Kumar Yadav, for the Appellant; S. Khan, R. Ansari and Sanjay Piprawall, for the Respondent

Final Decision : Dismissed

Judgement

Aparesh Kumar Singh, J.—Heard learned counsel for the parties.

2. Petitioner has sought a direction upon the respondents for shifting the cut off date for reckoning the upper age limit as 31.1.2014 in place of 31.1.2015 in the Advertisement No. 10/2015 inviting applications for the post of Civil Judge (Junior Division) Munsif as also extension of time for submission of applications beyond 18.12.2015. Petitioner's date of birth is 9.12.1976. The minimum age prescribed is 22 years and the upper age limit is 35 years as on 31.1.2015. A female candidate is entitled to relaxation of upper age limit by three years. Contention of the petitioner is that even by three years of age relaxation petitioner would be ineligible to participate in the instant recruitment exercise as she would be above 38 years of age by the cut off date 31.1.2015.

3. Essentially the ground to challenge the fixation of cut off date is based upon the judgments rendered by the learned Division Bench of this Court in the case of Sanjeev Kumar Sahay and Others Vs. State of Jharkhand and Others, and in the case of Bhol Nath Rajak, Ramchander Sahu and Anil Kumar Singh Vs. The State of Jharkhand and Others, . According to the petitioner, the instant recruitment exercise is being held after two years of the previous recruitment

held under Advertisement No. 4/2013. The learned Division Bench in the case of Bhola Nath Rajak & Ors. (supra) keeping in view the long delay in the recruitment exercise to the post of Civil Judge (Junior Division), considered it proper to shift the cut off date to 31.1.2009 from 31.1.2013 so that the persons, who may have become age barred due to the delay in recruitment, would be eligible to participate keeping in view the earlier Division Bench judgment rendered in similar circumstances in the case of Sanjeev Kumar Sahay and others (supra). In the instant exercise, according to the petitioner, the candidates, who were eligible till 31.1.2013 also got a chance to participate but those, who became over age by efflux of time within next two years, would be rendered ineligible by fixation of cut off date 31.1.2015.

4. It is submitted that considerations, which prevailed upon the learned Division Bench's decision to shift the cut off date in the previous two Advertisements, should also be guiding reasons for shifting the cut off date in the instant exercise. Learned counsel for the petitioner has submitted that this would be in the larger interest of the participating candidates and would not prejudice anyone.

5. Counsel for the respondent State and JPSC have appeared. Counsel for the respondent JPSC submits that similar issue relating to shifting of cut-off date in respect of the same advertisement more or less on similar grounds relying upon the two Division Bench Judgments of this Court, have been negated by this Court in WPS No. 5812/2015 and other analogous cases vide judgment dated 7.12.2015. It is their contention that the instant exercise is being held almost immediately after conclusion of the previous recruitment exercise under the Advertisement No. 4/2013. The basic ground of delay, which prevailed upon the learned Division Bench in the earlier two recruitment exercises, is not available in the present case for the petitioner to seek shifting of cut-off date for reckoning the upper age limit. Learned counsel for the petitioner and respondents both have quoted from the judgment rendered by the learned Division Bench in the case of Bhola Nath Rajak & Ors. (Supra) to advance their own submissions.

6. I have considered the submissions of the learned counsel for the parties in the light of the plea raised in respect of shifting of cut-off date under the advertisement in question, which undertakes to fill up the post of Civil Judge (Junior Division) in the Subordinate Courts in the State. Much reliance has been placed upon the judgment rendered by the learned Division Bench in the case of Sanjeev Kumar Sahay & Ors. (supra) and Bhola Nath Rajak & Ors. (Supra) by the learned counsel for the petitioner to support his submission. However, upon consideration of the rationale behind shifting of cut-off date in the previous two recruitment exercises held in 2008 and 2013 respectively, it is evident that there was substantial delay in the recruitment exercises earlier held for the post of Civil Judge (Junior Division) under the Jharkhand State. This was the overwhelming reason for the learned Division Bench to direct shifting of cut-off date to an earlier date as on 31.01.2003 or 31.01.2009 under the two

recruitment exercises held in 2008 and 2013 respectively.

7. The instant exercise, as is evident, is being held almost immediately after previous exercise under the Advertisement No. 4/2013, has concluded and for the vacancies that have arisen thereafter. Considering the same plea, this Court earlier, in the case of Manoj Kumar Pawan & another vs. State of Jharkhand & others and analogous cases decided by judgment dated 07.12.2015 in respect of same two advertisements, had found no reason to direct shifting of cut-off date to earlier date after considering the ratio rendered by the learned Division Bench in the case of Sanjeev Kumar Sahay & Ors. (supra) and Bhola Nath Rajak & Ors. (Supra).

8. Petitioner has canvassed that there was a definite reason for shifting of cut-off date to 2003 or 2009 in those two cases and in the present exercise, petitioner is only asking for shifting of cut-off date to 31.01.2014 and not beyond that. Once again, it would be idle to emphasize that the underlining reason for shifting of cut-off date in both the recruitment exercises held earlier in 2008 and 2013 was the long delay in holding the exam. Specious reasons, which prevailed upon the learned Division Bench, are reflected in the judgment itself. As has been found, in the present exercise, there is no such delay and fixing of cut off date as on 31.01.2015 for recruitment exercise being held in 2015 is also in consonance with the provisions of Jharkhand Judicial Services (Recruitment) Rules, 2004, more specifically Rule-5, which prescribes the eligibility.

9. In that view of the matter, this Court is not satisfied that fixing of cut-off date for reckoning the upper age limit suffers from arbitrariness or unreasonableness to permit interference. Writ petition is accordingly dismissed.