
(2006) 09 PAT CK 0058
In the Patna High Court
Case No : CWJC No. 6111 of 2006

Sanjiv Ranjan

APPELLANT

Vs

The State of Bihar and Others

RESPONDENT

Date of Decision : 19-09-2006

Acts Referred:

Citation : (2006) 4 PLJR 406

Hon'ble Judges : Ramesh Kumar Datta, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Ramesh Kumar Datta, J.—Heard Mr. Prashant Kashyap, learned counsel for the petitioner, learned Standing Counsel No. 18 appearing for the State and Mr. Prashant Kumar Shahi, learned Advocate General appearing for Respondent Nos. 2 and 3, Bihar State Staff Selection Commission. The petitioner has approached this court to issue a direction upon the respondents to allow him to participate in Steno/ typing examination test to be conducted in the 1st week of May, 2006 for the post of stenographer/steno-typist and publish the result for the same after giving due weightage and preference to the petitioner for his past experience.

2. The short facts of this case are that earlier the petitioner had approached this court by filing C.W.J.C. No. 3656 of 2003 Reported in Sanjiv Ranjan Vs. The State of Bihar and Others, upon his disengagement from the post of Stenographer/ Steno-typist on which he was working on daily wage basis. The claim of the petitioner was that he was working against the sanctioned post which was available in the Araria District. The writ petition was disposed of with observation that if the respondents propose to make regular appointment on sanctioned post the case of the petitioner may be considered and due weightage of his past service may be given to him, provided the same was satisfactory and he may also be allowed one time age relaxation to the extent of the period of satisfactory past service.

3. On 4.10.2005 a general advertisement was published by the Bihar State Staff Selection Commission for recruitment on the posts of Stenographer/Steno-typist in several Districts of the State, but not Araria, and in a few Departments for total number of 135 posts. The petitioner applied against the same. The initial test was held on 12.3.2006 of which the result was published on 8.4.2006 and the petitioner did not qualify in the same. Thereafter, he filed his representation on 27.4.2006 and subsequently this writ petition.

4. The grievance of the petitioner is that he, being a person aged over 40 years, should not have been made to sit along with those who were much younger to him. Because of his advance age, he could not be expected to compete against them. According to learned counsel for the petitioner, this process was not done in pursuance of the earlier order of this court dated 2.7.2003 and it was contrary to the direction to give weightage to the petitioner.

5. Learned Advocate-General and learned Standing Counsel No. 18, on the other hand, submit that the question of granting weightage would only arise, if the petitioner would first qualify in the said examination. If he does not obtain the minimum qualifying marks for the said purpose there could be no question of giving him any weightage. In this regard, it was pointed out that the advertisement, as contained in Annexure-2, itself provided in column 9 for giving details with respect to those candidates who had been ordered relating to age relaxation and other directions obtained from this court or the Supreme Court and thus, it is submitted that there was full compliance of the observations and directions of this court in the order dated 2.7.2003. It is submitted that had the petitioner qualified in the first phase of examination, which was the qualifying examination then due weightage would have been accorded to him but once he is found not up to the mark then he could not be considered for appointment and thus, no direction was issued in his favour permitting him to appear in the Steno/typing examination test.

6. It is further submitted on behalf of the respondents that although direction of this court was to grant one time age relaxation but again the petitioner was permitted to appear in a further test, which was held on 27.8.2006 in which the petitioner has failed to qualify in the said test also. It is, thus, submitted that the respondents have, in fact, gone beyond the directions of this court but only on account of the failure of the petitioner to obtain minimum qualifying marks he is not being permitted to appear further in the Steno/typing examination test.

7. On a consideration of the facts and circumstances of this case. I find that there has been no violation of observations and directions issued by this court in the order dated 2.7.2003. The petitioner had the benefit of appearing in two such examinations by having his age relaxed and it was the petitioner who was not found up to the mark to compete with others in the job market.

8. I fully agree with the submissions of the learned Advocate General that the question of granting weightage would only arise once he is found to have at least

the minimum level of suitability in the said qualifying examination. In the result, this writ petition is dismissed, but without any order as to costs.