

28

Serial No. of Order

Date of Order

ORDER WITH SIGNATURE

Office notes as to action (if any) taken on order

3. 25/10/2002

IN THE HIGH COURT OF JUDICATURE AT PATNA  
L.P.A. No. 1115 of 2002  
Keshri Kishore Jha Vs. Bihar Public Service Commission & Ors.

This appeal is barred by limitation.

After having heard learned counsel for the appellant and taking into consideration the averments made in the limitation petition, the delay in filing this appeal is condoned.

This appeal is directed against the order dated 19.8.2002 passed by the learned single Judge, whereby the writ application filed by the appellant for a direction to the Bihar Public Service Commission to recommend his name for appointment as Drug Inspector has been dismissed.

Admitted fact is that in terms of advertisement the appellant applied for appointment on the post of Drug Inspector. He was over-age according to the age prescribed in the advertisement. However, he was allowed to apply because of pendency of the writ application in this Court with regard to appointment of Drug Inspectors. The said writ application, as stated by the learned counsel for the appellant, has been dismissed.

No doubt, the appellant appeared in the written test and interview and has been declared successful, but the Commission did not recommend



Serial No. of Order	Date of Order	ORDER WITH SIGNATURE	Office notes as to action (If any) taken on order
---------------------	---------------	----------------------	---

2.

his name as he was over-age at the time of applying for the post in terms of the advertisement.

Thus, the learned single Judge rightly dismissed the writ application as no direction can be issued to the State Government to relax the age. However, during the course of arguments, it was pointed out that large number of posts of Drug Inspector are vacant. In that view of the matter, if the State Government feels necessity to fill up the post of Drug Inspector, it may consider the case of the appellant for relaxation of age. It is made clear that this Court is not issuing any direction. It is for the State Government to consider the matter for relaxation of age in public interest.

With the aforesaid observation, this appeal stands disposed of.

Sd/- Nagendra Rai, J.  
Sd/- Anil K. Sinha, J.

CERTIFIED TO BE TRUE PHOTOCOPY

*Manjiv Singh*  
For Joint Registrar  
Patna High Court  
15-11-2002

Authorized U/S 76 Act 1 of 1972

*Aditya*  
*E. Asstt*  
11/11/2002