

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.11126 of 2023

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Satyam Abhishek Son of Anil Kumar Mishra, Resident of Village-Pali, P.O.-
Utren, P.S.-Konch, District-Gaya.

... ... Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Home Department, Reserve Branch, Sardar Patel Bhawan, Jawaharlal Nehru Marg, Patna-800023.
2. The President Central Selection Board (Constable), 05, Harding Road, Patna-800001.
3. The Director General of Police, Bihar, Sardar Patel Bhawan, JawaharlalNehru Marg, Patna-800023.

... ... Respondent/s

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Constitution of India – Article 226 Public Interest Litigation – challenging the notification issued for the post of constables in Bihar Police and Bihar Special Armed Police – on the cut – off date prescribed for the purpose of an acquisition of qualification and stipulation of age-Held that no arbitrariness in fixing a cut-off date for acquisition of qualification and also satisfying the stipulation as to upper and minimum age limit – it is for the Appointing Authority to determine such stipulations, no any arbitrariness in fixing a cut – off date for acquisition of qualification and satisfying the stipulation of age – petition dismissed in limine
(Para 4)

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Appearance :

For the Petitioner/s : None
For the Respondent/s : Mr.P.K. Shahi (AG)

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 11-08-2023

The petitioner allegedly in public interest seeks to challenge the notification issued for selection of candidates to the post of constables in the Bihar Police and Bihar Special Armed Police. There are about 21,391 vacancies in total for which the advertisement produced as Annexure-2 is issued. The contention raised in the writ petition is with respect to the qualification stipulation having been related to 01.08.2022. It is the contention that as of now many persons would have qualified in the intermediate courses (10 + 2 courses) in the



academic year 2022-23, just concluded. The petitioner contends that the cut-off date prescribed for the purpose of acquisition of qualification eliminates a number of candidates who would have qualified to apply for the post in the year 2023. It is alleged that the said prescription would interfere with the equality guaranteed in public employment.

2. None appeared for the petitioner when the matter was called in the morning and even when the matter was taken up after keeping it aside for hearing.

3. We perused the records and also heard the learned Advocate General (AG) appearing for the respondents. The learned AG at the first instance pointed out that the prescription of the cut-off date was in consonance of the decision of the Bihar Government to prescribe the age limit also as on that date, which is evident from Clause 17 of the advertisement. The age prescription is to be verified as on 01.08 2022 for every category of persons applying for selection and so is the educational requirements related to that date.

4. We do not find any arbitrariness in fixing a cut-off date for acquisition of qualification and also satisfying the stipulation as to upper and minimum age limit. It is for the Appointing Authority to determine such things and if there is no



colourable exercise or arbitrariness; this Court cannot set aside such stipulations. We have to keep in mind that the State, the Appointing Authority is better placed to decide on such stipulations and when the application was brought out on 09.06.2023, there is nothing unfair in stipulating a prior date; that too in the immediate prior year for the purpose of acquisition of qualification and satisfying the stipulation of age. We also notice that the petitioner does not have a case that the stipulation in any manner disables him from the candidature.

5. We find no reason to invoke our extraordinary jurisdiction in public interest. We dismiss the writ petition *in limine*.

(K. Vinod Chandran, CJ)

(Partha Sarthy, J)

Anushka/-

AFR/NAFR	
CAV DATE	
Uploading Date	18.08.2023
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