

**IN THE HIGH COURT OF JHARKHAND AT RANCHI**  
**W.P. (C) No.852 of 2023**

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1. Ashit Kumar, aged about 41 years, son of Sri Ashok Kumar, resident of Brij Shyam Enclave, Flat No. 105, 4<sup>th</sup> lane, New area, P.O. Head Post Office, P.S. Loshingina, Sadar, District- Hazaribagh (Jharkhand).
2. Kumar Ashutosh, aged about 36 years, son of Yogendra Kumar Singh, resident of At Kastitur, Khap, P.O. Kadma, P.S. Katkamdag, District- Hazaribagh (Jharkhand).

... Petitioners

***Versus***

1. The State of Jharkhand
2. The Secretary, Department of Law and Justice, Project building, Government of Jharkhand, P.O. Dhurwa, P.S. (Jharkhand). Jagarnathpur, District – Ranchi.
3. The Registrar, Civil Court Hazaribagh, P.O. & P.S. Hazaribagh, District- Hazaribagh (Jharkhand).

... Respondents

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For the Petitioners : Mr. Mukesh Kr. Sinha, Advocate  
Ms. Sumiran Srivastava, Advocate  
Md. Shadab Bin Haque, Advocate  
For the Resp.- State : Mr. Manish Kumar, Sr. SC II  
Mrs. Sunita Kumari, AC to Sr. SC II

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**P R E S E N T**

**HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY**

***By the Court:-*** Heard the parties.

2. This Writ Petition (Civil) has been filed invoking the jurisdiction of this Court under Article 226 of the Constitution of India with the prayer for issuance of appropriate direction upon the respondents to

give proper relaxation of age to the petitioners in Advertisement No. 01/2023 issued by the Civil Court, Hazaribagh through which applications have been invited from eligible candidates for filling up different posts in Civil Court, Hazaribagh and on account of none relaxation of age, the petitioners were debarred from applying the form.

3. During the pendency of this Writ Petition, the recruitment for the post advertised in Advertisement No. 01/2023 was complete. Subsequently, another advertisement being Advertisement No. 01/2025 was issued during the pendency of this Writ Petition and accordingly, the petitioners amended this Writ Petition and made a subsequent prayer for direction upon the respondents to grant proper relaxation of age to the petitioners in pursuance of the Advertisement No. 01/2025. The recruitment process of the Advertisement No. 01/2025 is, as on date, at a fag end.

4. It is contended by the petitioners that Civil Court, Hazaribagh vide the Advertisement dated 15.05.2010, invited applications for filling up Class-IV posts and issued interview letters but later on, cancelled the same. Then, the Civil Court, Hazaribagh came out with the Advertisement No. 01/2014 for filling up of Class-IV posts and also issued interview letters but because of the order passed by this Court in Administrative side dated 10.04.2019, the said advertisement was cancelled. Then, the Civil Court, Hazaribagh came up with the Advertisement No. 02/2019 for filling up the posts in Civil Court,

Hazaribagh with due relaxation in age but the said advertisement was also cancelled. A fresh advertisement bearing the Advertisement No. 01/2023 was published for filling up of Class-IV posts but without age relaxation. The petitioners became not eligible for being considered for the post advertised by the Advertisement No. 01/2023 because they have crossed the maximum age limit of the candidates as prescribed in the said advertisement.

5. It is next contended by the petitioners that they are entitled for proper age relaxation in the Advertisement No. 01/2023 and the respondents ought to have indicated about age relaxation for fixing proper cut-off date. Considering the fact that the petitioners, right since 2009-2014, have been applying in Civil Court, Hazaribagh though cancelled later on but in the Advertisement No. 02/2019 due relaxation in age was given. It is then submitted that the petitioners will suffer from irreparable loss if the due relaxation of age is not given to them; since there is no fault on the part of the petitioners and only because of the successive cancellation of the advertisements, they have crossed the age limit as prescribed by law for recruitment of such posts. It is further submitted that during the pendency of this Writ Petition, the respondent No.3 again issued a fresh advertisement bearing the Advertisement No. 01/2025 and the petitioner No.1 has also applied in response to the said advertisement.

6. In support of their contention, the learned counsel for the petitioners relies upon the interim order of a Co-ordinate Bench of this

Court in the case of **Rohan Thakur & Others vs. The State of Jharkhand & Others** passed in W.P.(S) No. 3691 of 2025 dated 25.07.2025 and submits that therein, the Co-ordinate Bench of this Court, considering the 7-8 years delay in conducting the recruitment process for the post of Assistant Public Prosecutor advertisement under Advertisement No. 05/2025 & 06/2025, has as an interim measure; as the respondent – JPSC in that case prayed for time, looking to the urgency of the case and since the last date for filling-up the application form which was going on to expire shortly, in the interest of justice, by giving some protection to the petitioners as well as all those candidates who have crossed the upper age limit, the Co-ordinate Bench of this Court in that case allowed to such candidates to fill up the application form for the said examination. Hence, it is submitted that the prayer as prayed for by the petitioners in this Writ Petition be allowed.

7. Learned counsel appearing for the Respondents - State on the other hand vehemently opposes the prayer of the petitioners made in this Writ Petition (Civil) and submits that as per Rule-6 of the Jharkhand State Civil Courts Officers & Staffs (Recruitment, Promotion, Transfer & Others Services Condition) Rules, 2018, the age limit for appointment is to be determined as per the resolution No.609/Ranchi dated 25.01.2016 of the Department of Personnel, Administrative Reforms & Rajbhasha, Government of Jharkhand, Ranchi and according to the said resolution, the age limit has been prescribed for the post having essential qualification of Matric level

and as the post advertised for i.e. Driver, Peon, Mali, Daftari and Sweeper has the minimum educational qualification – Matriculation; so, as per the Advertisement No. 01/2023, the maximum age limit as on 01.08.2022 was 35 years for general candidates and the petitioners are general candidates. It is next submitted that there is no provision for relaxation of the age in the respective rule. It is further submitted that the recruitment process vide the Advertisement No. 01/2023 is already over and the recruitment process vide the Advertisement No. 01/2025 is at a fag end; so, at this belated stage, the petitioners cannot be given the privilege which was not extended to other candidates. Hence, it is submitted that this Writ Petition (Civil), being without any merit, be dismissed.

8. Having heard the submissions made at the Bar and after carefully going through the materials available in the record, it is pertinent to mention here that it is a settled principle of law that recruitment advertisement is a binding framework. Both the Advertisement No. 01/2023 and the Advertisement No. 01/2025 were self-contained recruitment instruments. Once such advertisement sets eligibility condition including the age, the Courts ordinarily require strict compliance to preserve predictability, uniformity and equality among applicants. Now, no interim order has been passed in this Writ Petition (Civil) allowing the petitioners and similarly placed other candidates to participate in the recruitment process as was done as an

interim measure in the order of the Co-ordinate Bench of this Court cited by the learned counsel for the petitioners.

9. It is a settled principle of law that there is no carry-over of eligibility from earlier recruitment and every recruitment stands on its own terms and eligibility is assessed with reference to the specific advertisement and its cut-off date.

10. It is further a settled principle of law that administrative delay does not create a vested right. So, the administrative delay by cancelling the earlier advertisements does not translate into a right to be considered under a different/later recruitment with revised norms. The principle *Actus Curiae Neminem Gravabit* which means an act of the court shall prejudice no man, cannot be used to override the express eligibility conditions framed by the competent authority. In other words, equitable maxims cannot be stretched to amount eligibility regime.

11. It is also a settled principle of law that there cannot be relief without challenging the policy itself. In this case, the petitioners did not challenge the revised age limit, validity or constitutionality. Consequently, the request effectively became a plea of individualized exemption; something which the courts generally ought not grant in recruitment matters and the prayer of the petitioners, if, is allowed, hence, that will amount to creating an impermissible special clause through judicial direction.

12. In view of the discussions made above, since admittedly the recruitment of the Advertisement No. 01/2023 is already over, the prayer of the petitioners in respect of the same has become infructuous and there is no rhyme or reason for relaxation of the age of the petitioners in the Advertisement No. 01/2025 when the recruitment process is at the fag end. Hence, this Court is of the considered view that there is no justifiable reason to accede to the prayer of the petitioners made in this Writ Petition (Civil) in exercise of its power under Article 226 of the Constitution of India.

13. Accordingly, this Writ Petition (Civil), being without any merit, is dismissed.

**(Anil Kumar Choudhary, J.)**

High Court of Jharkhand, Ranchi  
Dated the 12<sup>th</sup> of June, 2026  
AFR/ Saroj

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