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Kumar do/ohu?
18/9/1999

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IN THE HIGH COURT OF JUDICATURE AT PATNA
C. W. J. C. No. 4474 of 2002
Dilip Kumar Mishra Vs. The State of Bihar & ors.
years of practice and, accordingly, in case of

6/ 23.8.2004

been rejected by the Commission.
This writ application has been filed by
the petitioner for issuance of direction to the
authorities for selection of the petitioner on
the post of Judicial Magistrate/Munsif in the
25th Judicial Service Commission Examination.

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D.K. Mishra
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Admittedly, the advertisement was issued in the year 1999 and at that time the age of the petitioner was thirty seven years six months twenty three days. Thus, he was over age. However, this Court in C.W.J.C.NO. 3238 and 3484 of 1999 passed an interim order concerning the said examination that in terms of rules every year vacancy has to be notified and the steps have to be taken by the Commission for appointment and as the vacancy was not notified for many years the persons who were eligible prior to that period should also be given an opportunity and, accordingly, the petitioner applied. However, the requirement of practice is three years. The petitioner became eligible, according to the date of birth, in the year 1996 but admittedly at that time he was not having three years practice which was mandatory condition in view of the judgment of the Supreme Court. So, he was eligible by age in terms of

the interim order but he had not the requisites years of practice and, accordingly, his case has been rejected by the Commission.

We do not find any merit in this application. Accordingly, the same is dismissed.

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(Nagendra Rai, A.C.J.)

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(S. N. Hussain, J.)

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Rooney
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Handwritten notes and signatures, including a large signature and the date 27-8-04.

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