

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1426 of 2015

=====

Kumar Anant s/o late Mohan Prasad Yadav R/o Gopal Road, Bishari Ashtan, Near Gopalganj, District Bhagalpur.

.... Petitioner/s

Versus

1. The Bihar State Power(holding) Company Ltd., Bihar Patna through its Chairman.
2. The Managing Director, South Bihar Power Distribution Company, Vidyut Bhawan, Bailey Road, Patna.
3. The Chief Engineer, South Bihar Power Distribution Company, Vidyut Bhawan, Bailey Road, Patna.
4. The Superintending Engineer, South Bihar Power Distribution Company, Munger Anchal, Munger.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar Gupta, Adv
For the Respondent/s : Mr. Vinay Kirti Singh, Adv

=====

CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL JUDGMENT

2 23-02-2015 Heard learned counsel for the parties as with regard to the following relief prayed in this writ application:-

"That this writ application is being filed for issue direction to accept the joining of the petitioner, on the ground, he was appointed on the compassionate ground in the year 2005 and worked till on 11.05.2007 and thereafter he filed an application before respondent authorities on 11.05.07 for permission to grant leave for enhancing his qualification as B.Tech. from the Maharashtra and his application was



accepted and forwarded to higher authority and asked to go for studies and he went for taking study, soon after completion of the study, he came before the respondent authority for joining on 04.06.2013 and he submitted joining but his joining has not been accepted till today without any clausable reasons and further issued direction to the respondents accept the joining and continued his service, on the ground, he was absent with permission for taking study and further give other legal consequential benefits attach to the post."

2. After some arguments, learned counsel for the petitioner seeks permission to withdraw this application, in order to enable the petitioner to move before the competent authority for consideration of his case for acceptance of joining on the post of unskilled khalasi on which he was appointed on compassionate ground on 23.4.2005 and is said to have proceeded on study leave on 11.5.2007 for undergoing and completing the Bachelor of Engineering Course.

3. This Court while according such leave to the



petitioner would only expect the competent authority to examine as to whether the petitioner was sanctioned such study leave and/or he had remained unauthorizedly absent from duty for a period of more than six years. It also must be examined as to whether the petitioner would be deemed to have abandoned the job offered to him on compassionate ground on his own volition as per the policy of compassionate appointment of the then Bihar State Electricity Board and the terms and conditions incorporated his appointment letter for the part of unskilled khalasi.

4. With the aforesaid observation and liberty this writ application is permitted to be withdrawn.

(Mihir Kumar Jha, J)

Ranjan/-

U			
---	--	--	--