

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10898 of 2008

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Hemant Kumar, son of Late Chandrakant Paswan, resident of village-Silao Dih,
P.S.-Silao, District-Nalanda. Petitioner.

Versus

1. The State of Bihar.
2. The District Magistrate-cum-Chairman, District Compassionate Committee,
District-Nalanda. Respondents.

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CORAM: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH
ORAL JUDGMENT

Date: 27-04-2015

No one appears for the petitioner. Learned counsel
for the State is present.

Heard.

The father of the petitioner died in harness while
working as Amin in the district of Nalanda. Petitioner applied for
compassionate appointment and it was considered by the District
Compassionate Appointment Committee, Nalanda who
recommended for petitioner's appointment for Class-IV post of
Daftari. Petitioner accepted that appointment but under protest.
According to the petitioner, he had passed B.A. Part-II
examination. He was, thus, entitled to be considered for Class-III
post. He stated that several other such persons were also granted
compassionate appointment on Class-III post.

There is a counter affidavit by the State wherein they
have categorically stated that all those persons who have been
appointed on compassionate ground on Class-III posts were

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graduates. Petitioner has passed intermediate examination in arts in third division and has studied only up to B.A. Part-II and did not complete his three years graduation course. Considering the academic qualification, he was ineligible for Class-III post.

Having considered the matter, in my view, in view of the averments as made in the counter affidavit, the writ petition merits no consideration, especially when there is no rejoinder to the counter affidavit.

In that view of the matter, the writ petition is dismissed.

(Navaniti Prasad Singh, J.)

Trivedi/NAFR

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