

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.3328 of 2014

In

Civil Writ Jurisdiction Case No. 15943 of 2008

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Brajesh Prasad Singh, son of Sri Ramayan Prasad Singh, resident of Bahlalpur, P.O- Daudpur, P.S.- Paru, District- Muzaffarpur, presently posted at Orderly Peon in Dwarika Nath High School, Muzaffarpur

.... Petitioner/s

Versus

1. The State of Bihar
2. Sri R.K. Mahajan, Principal Secretary, Human Resources development Department, Govt. of Bihar, Patna.
3. Sri Ram Bhujawan Choudhary, Director, Secondary Education, Govt. of Bihar, Patna
4. Sri Anupam Kumar , The District Magistrate-cum- Chairman, District Compassionate committee, Muzaffarpur, District- Muzaffarpur
5. Mustafa Hussain Mansuri, The District Education Officer, Muzaffarpur, District- Muzaffarpur

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rabindra Kumar Ravi

For the Respondent/s : Mr. Anil Kr Uapdhyay

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 08-09-2015

Heard learned counsel for the parties.

Admittedly the petitioner was appointed on Class-4 post by way of compassionate appointment. He had also accepted such appointment without demur or protest. He came to this Court for consideration of his case on Class-3 post but, then, this Court did not find any justification in such grievance and left the petitioner with a liberty to approach the authority with a very limited purpose. The authorities have taken into account the grievance of the petitioner but, then, they found that number of judgments of



this Court passed by single Judge and the Division Bench which lays down law that once the appointment has been accepted by a person concerned on compassionate ground on a lower post, there would be no concept of endless compassion by way of seeking further appointment on higher post. It is on this basis on which the petitioner has not been found eligible for being appointed again on compassionate ground on a Class-3 post. The petitioner infact right from the day he entered in service was aware that he had been given an appointment on Class-4 post and he could not have asked for further appointment on compassionate ground on a Class-3 post.

That being so, this contempt application, alike his earlier writ application, is wholly misconceived and is, accordingly, dismissed.

(Mihir Kumar Jha, J)

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