

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.13693 of 2013

Samrita Sinha W/O Late Vijayanand Prasad Resident Of House No. 60 New
Karman Tola Behind Bus Strand, C/O Rakesh Kumar Sinha (Advocate), P.O. East
Nawada, P.S. Nawada, District- Bhojpur

.... Petitioner/s

Versus

1. The State Of Bihar Through The Chief Secretary, Patna
2. The Director Department Of Information And Public Relation Bihar, Patna
3. The District Officer, District Information And Public Relation Office, Patna
4. The District Magistrate Cum Chairman Compassionate Appointment
Committee, Patna At Patna

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Pranav Kumar
For the Respondent/s : Mr. Kinker Kumar, SC-9
Mr. Rakesh Kr. Sharma, Adv.

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 27-10-2016

Heard learned counsel for the petitioner and counsel for the
State.

In this case, the petitioner had applied for compassionate
appointment on the ground of death of her father. She appeared in the
screening test, qualified the same, the Compassionate Appointment
Committee recommended for her appointment on Class-III post to the
Department but, the Department informed the Compassionate
Appointment Committee that no post on Class-III post is available for
the petitioner, whereupon, the aforesaid Committee recommended for
the Class-IV post. In pursuance of the recommendation of the



Appointment Committee, the petitioner joined the Class-IV post but, she has made a claim in the present writ application that when the vacancy was available for the Class-III post then she should have been adjusted against any Class-III post.

Learned counsel for the petitioner has placed reliance on the information received under the Right to Information Act which shows that total strength of the Class-III post is 125, 66 were working, 35 were notified for direct recruitment and 24 posts were awaiting for the roster clearance.

Learned counsel for the State has submitted that as per Government policy decision, 5% of post will be only given to the compassionate appointee and, on calculation, the total post for the compassionate appointment comes to six and all the six posts were occupied by the compassionate appointee and there was no vacancy in the Class-III post. On that account, the petitioner was not adjusted and so much so that the petitioner has already accepted the recommendation of the Compassionate Appointment Committee and has already joined the post on Class-IV post without demur and protest, now she cannot turn around and make a prayer for Class-III post.

The appointments are made under the scheme of the Compassionate Appointment, Clause-9 (Ka) whereof makes it very

clear that if any appointment is made on the basis of recommendation of the Compassionate Appointment Committee, the person concerned cannot be given the benefit of changing her status or granting her promotion out of turn. In that view of the matter, this Court does not find any error in the action of the State Government.

This writ application is, accordingly, dismissed.

(Shivaji Pandey, J)

Rishi/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	9.11.2016
Transmission Date	