

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.10223 of 2013

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1. Pintu Jha S/O Late Punnu Jha R/O Village- Varkurwa, P.O.- Turki, Police Station- Kudhni, District- Muzaffarpur

.... Petitioner/s

Versus

1. The State Of Bihar
2. The Director Land Acquisition And Rehabilitation, Water Resources Department, Bihar, Patna
3. The Rehabilitation Officer Durgawati Jalasaya Pariyojna, Sasaram, District- Bhabhua

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Pancham Lal Jaiswal,
Mr. Pradhan Murli Manohar, Advocate.
For the State : Mr. Manoj Kumar Yadav, AC to GA-10

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 29-08-2016

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

In the present writ petition, petitioner is claiming for appointment on compassionate ground.

Petitioner has claimed that respondents have wrongly refused to grant him the appointment on compassionate ground that requisite qualification is 10th pass but the petitioner was only 8th pass. The father of petitioner , namely, Punnu Jha, was the Chain Puller in the office of the Rehabilitation Office, Durgawati and due to illness his father died on 17.10.2003 in harness.

Petitioner filed an application for appointment on



compassionate ground annexing transfer certificate issued from the Government High School, Turki, Muzaffarpur which bears the seal and signature of the Headmaster. The said transfer certificate shows that petitioner was 8th passed candidate which was subjected to enquiry through Rehabilitation Officer. The Director after holding enquiry informed that the certificate showing the petitioner has passed 8th class was found to be fake and fabricated, as the Headmaster of the said School informed that no student in the name of Pintu Jha was in the school. Later on he has also filed another transfer certificate issued from the Government High School, Turki, Muzaffarpur where date of entry has been shown as 21.1.2000 and the date of exit in the school has been shown in the month of June, 2000. On enquiry it was found to be correct.

Learned counsel for the petitioner has placed reliance on the letter of Rehabilitation Officer where he has given information about fresh certificate which was submitted by the petitioner and the same was put to enquiry and found to be genuine certificate.

Learned counsel for the State has pointed out that when the certificate up to 8th pass was found to be fake and fresh certificate bears date of entry of the petitioner in the school has been shown



as 21.1.2000 and date of exit the school has been shown in the certificate in the month of June, 2000 itself shows that genuine certificate cannot be pressed into service for the protection of the petitioner. Placing reliance on the letter of the Rehabilitation Officer does not cut much ice in favour of the petitioner where it has been recorded that earlier certificate was found to be fake and new certificate was found to be genuine. Even presuming the second certificate was correct but date of entry has been shown as 21.1.200 when he has not passed 8th class how he could enter in 9th Class.

In such view of the matter, petitioner has failed to make out a case for his appointment. This Court does not find any merit in this writ petition. It is accordingly dismissed.

(Shivaji Pandey, J)

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