

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.14981 of 2013

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Puja Kumari D/o Late Ramakant Ray, resident of village- Bangra Muza, P.S.-
Deoria Kothi, District- Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Minor Water Resources
Department, Govt. of Bihar, Patna
2. Joint Secretary, Minor Water Resources Department, Govt. of Bihar, Patna
3. Chief Engineer (North) Minor Water Resources Department, Muzaffarpur
4. Executive Engineer, Minor Irrigation Division, Hazipur
5. District Magistrate cum Chairman, District Compassionate Appointment
Committee, Vaishali at Hazipur.

.... Respondent/s

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Appearance :

For the Petitioner/s : M/s Shiv Kumar and Sahjanand Sharma, Advs.
For the Respondent/s : Mr. Vipin Kumar Singh, AC to SC- 22

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 19-11-2016

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

In this case, the petitioner is seeking relief of
compassionate appointment, as her father, namely, Ramakant Ray,
died in harness on 4th July 2002 due to cancer while working as
Chaukidar in Minor Irrigation Division, Hazipur and after his death,
her mother, namely, Shiv Kumari Devi filed an application for her
appointment on compassionate ground which was rejected by the
District Compassionate Appointment Committee, Vaishali in its

meeting dated 26.05.2005 on the ground of being literate only whereas the requisite qualification for appointment is class-VIII pass.

Thereafter, the present petitioner has applied for her appointment on compassionate ground as she has attained the majority and as per the Certificate issued from Bihar School Examination Board, her date of birth is 3rd February 1988.

In such view of the matter, on the death of her father, she has already attained the majority within five years and as per the Rule, if a person was minor and he/she attains majority within a permissible limit of five years, will be entitled for consideration of appointment on compassionate ground and in the present case as has been submitted by the counsel for the petitioner that the mother of the petitioner is suffering from Cancer as well as also handicapped to the extent of 65%, in such view of the matter, it is a perfect case where the petitioner is entitled to the compassionate appointment, as the bread earner of the family died, must be the family is required of medical assistance and without the money, the person who is suffering from Cancer, will not be able to get a treatment properly.

In such view of the matter, let the respondent authority consider the case of the petitioner sympathetically.

For the convenience, the petitioner is directed to file a representation before the competent authority, who will examine the

matter and take decision in accordance with law. All the process should be completed within a period of three months from the date of filing of such application.

With the above observation/direction, this petition is disposed of.

(Shivaji Pandey, J)

Mahesh/-

AFR/NAFR	NAFR
CAV DATE	N/A
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