

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.15029 of 2013

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Raja Ram Son of Late Heera Ram, resident of village - Mir, Ward No. 11, P.S. -
Town Thana, District – Saharsa.

.... Petitioner/s

Versus

1. The State of Bihar
2. The Agriculture Director, New Secretariat, Bihar, Patna
3. The Joint Agriculture Director, Plant Protection, Mithapur Farm, Bihar, Patna
4. The District Magistrate, Saharsa.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Pramod Mishra

For the Respondent/s : Mr. Raghwanand, GA-11 and
Mr. Sanjay Kr. Tiwari, AC to GA-11

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 22-11-2016

Only grievance has been raised by the petitioner that the persons, namely, Shankar Lal, Pawan Kumar Prabhakar and Dharmendra Kumar Paswan, who are Matriculate, have been given the compassionate appointment on 3rd Grade post whereas the petitioner who is Intermediate, has been appointed as 4th Grade employee. He further submits that there should be a uniform policy and action in conformity with Article-14 of the Constitution and the petitioner who has a better qualification, cannot be adjusted against class-IV post whereas the persons, who are only Matriculate, have been appointed on Class-III post.

Earlier the petitioner approached this Court raising similar grievance in C.W.J.C. No. 5086 of 2007, which was dismissed

as withdrawn with liberty to avail internal remedies before the authorities below including Collector of the district. In pursuance there of, the petitioner filed an application dated 12.04.2012 before the District Magistrate, Saharsa, but without any result.

This Court directs the District Magistrate, Saharsa to examine the issue with regard to discrimination, as the persons who having lesser qualification, have been given better place of appointment. If that be so, the Collector would take a corrective measure with regard to the others though they are the lesser in qualification, have been awarded the appointment on class-III post.

This Court is not giving any opinion on the merit of the case, but also gives direction to take cognizance of the fact, there should not be hostile discrimination.

Let the application filed by the petitioner before the District Magistrate, be disposed of within a period of four months from the date of receipt or production of a copy of this order.

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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