

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9245 of 2013

Depak Kumar, S/O Late Sitela Farnandis, resident of village- and P.O- Marpakath,
P.S- Bargania, District- Sitamarhi

.... Petitioner

Versus

1. The State Of Bihar
2. Colletor Cum Chairman Of District Compessnate Appointment Committee,
Siwan.
3. Civil Surgen Cum Chief Medical Officer, Siwan.
4. Director In Chief, Health Department, Bihar.
5. Principal Secretary, State Administran Department, Bihar, Patna.

.... Respondents

Appearance :

For the Petitioner/s : Mr. Gopal Jee, adv.

For the Respondent/s : Mr. Indrajeet Bhushan, A.C.t to G.P.2

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 15-07-2016

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

2. In this case, the petitioner has raised a grievance that
he has been accommodated in class-IV post on compassionate
ground whereas in view of higher qualification he should have been
accommodated in Class-III post, but the respondent authorities
have rejected the claim of the petitioner on the ground that he could
not clear the computer proficiency test.



3. Learned counsel for the petitioner has drawn the attention of this Court to some of the documents issued by the Secretaries of the Government of Bihar as like the letter of Principal Secretary, Public Works Department, dated 12.11.2012, which shows that a person who is appointed on compassionate ground will have to clear the computer proficiency test within a period of six months of his appointment. He has further drawn the attention of this Court to the letter dated 05.06.2015 issued by the Under Secretary, Government of Bihar, General Administration, which discloses that there is no provision of taking typing or computer test for the appointment on compassionate ground.

4. In such view of the matter, rejection of the claim of the petitioner that he could not clear the computer proficiency test cannot be a ground of debarring the petitioner for his appointment on class-III post, especially when the Government has taken a policy decision that when there will be an appointment on compassionate ground the qualification of the candidate to be taken into consideration, for the person who is above metric will be given the grade pay of Rs.1900.

5. In such view of the matter, the respondent-authorities are directed to consider the case of the petitioner for appointment

on class-III post in light of its own Circulars and pass a reasoned order in accordance with law.

6. For convenience, the petitioner is directed to file a representation before the competent authority. If such an application is filed, the competent authority is directed to consider and dispose of the representation of the petitioner within a period of one month from the date of filing of such representation.

7. With the aforesaid observations and directions, this writ application is disposed of.

(Shivaji Pandey, J)

pawan/-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	23/7/2016
Transmission Date	