

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.23409 of 2013**

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1. Anuj Kumar Son Of Late Rajendra Malakar Resident Of Mohalla - Shingarhat, P.O. + P.S. - Sohsarai, District - Nalanda

.... .... Petitioner/s

Versus

1. The State Of Bihar
2. The Secretary, Industries Department, Government Of Bihar, Old Secretariat, Patna
3. The Director, Handloom And Sericulture Directorate, Bihar, Patna
4. The Nirman Prabandhak, Central Processing Plant, Biharsharif, Nalanda
5. The Maha Prabandhak (General Manager) District Industries Centre, Nalanda

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Din Bandhu Prasad, Advocate.  
For the Respondent/s : Mr. S.K. Sazat, AC to GP-7

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**CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY**  
**ORAL ORDER**

2      05-09-2016      Heard the parties.

The present matter relates to compassionate appointment. Father of the petitioner was 4<sup>th</sup> grade helper and was working against sanctioned post. He died in harness.

First objection was raised by the respondent, his father having not occupied sanctioned post. Earlier petitioner moved this court vide C.W.J.C. Nos. 17744 of 2009 and 12140 of 2012 and this Court directed to reconsider the case of the petitioner which have been rejected by the respondent vide memo no. 1291 dated 1.8.2013 on the ground that he was holding 7<sup>th</sup> class qualification. But by way of

supplementary affidavit he has claimed that he has already passed the matriculation examination in 2014 by second division.

In this view of the matter, learned counsel for the petitioner submits that whatever the defects were for the appointment, is now over and the respondent can consider the case of the petitioner a fresh for the purposes of granting compassionate appointment.

This Court is not quashing the impugned order. However, this writ petition is disposed of with a direction to the respondent to consider the case of the petitioner in terms of the qualification obtained by the petitioner and take a decision in accordance with law within a period of four months from the date of receipt/production of a copy of this order.

With the aforesaid observation this writ petition is disposed of.

**(Shivaji Pandey, J)**

Vinay/-

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