

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5732 of 2017

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Asha Kumari @ Asha Devi D/o Late Makardhwaj Yadav, W/o Sri Shyam Prasad Yadav, Resident of Pakarihar, P.S. Chanpatia, District- West Champaran.

.... Petitioner

Versus

1. The State of Bihar through the Agriculture Production Commissioner, Government of Bihar, Patna.
2. The Agriculture Production Commissioner, Government of Bihar, Patna.
3. The Principal Secretary, Department of Finance, Government of Bihar, Patna.
4. The Principal Secretary, General Administration Department, Government of Bihar, Patna.
5. The Secretary, Department of Agriculture, Government of Bihar, Patna.
6. The Administrator, Bihar State Agriculture Marketing Board (dissolved), Pant Bhawan, Bailey Road, Patna.
7. The Joint Secretary, Department of Agriculture, Bihar, Patna.
8. The Director Administration, Department of Agriculture, Bihar, Patna.
9. The Deputy Director Administration, Department of Agriculture, Bihar, Patna.
10. The Under Secretary cum Director Marketing, Bihar State Agriculture Marketing Board (dissolved), Pant Bhawan, Bailey Road, Patna.
11. The Comptroller, Bihar State Agriculture Marketing Board (dissolved), Pant Bhawan, Bailey Road, Patna.
12. The District Magistrate cum Chairman, District Compassionate Appointment Committee, District- West Champaran.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Jai Prakash Verma, Adv.

For the Respondent/s : Ms. Sunita Kumari, AC to AAG13

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 13-10-2017

Heard Mr. Jai Prakash Verma, learned counsel for the petitioner and Ms. Sunita Kumari, learned AC to AAG-13, for the State.

With the consent of the parties the writ petition has been heard with a view to final disposal at the stage of admission itself.

The writ petition was filed praying for issuance of a writ in



the nature of mandamus commanding the respondents to appoint the petitioner on compassionate ground on any Class IV post in place of her father, who died in harness during the course of treatment on 2.7.2017.

Although pleadings on record would show that the petitioner had filed her application for such appointment immediately on the death of her father but the matter remained pending for almost a decade for appropriate direction before the Agriculture Production Commissioner. It is noticing the sequence of events in the order dated 15.9.2017 that this Court directed the Agriculture Production Commissioner to inform as to the steps taken in this regard and when the counter affidavit has been filed on behalf of the respondents including the Agriculture Production Commissioner. In paragraph 7 while the respondents have accepted that the case of the petitioner was considered for appointment on compassionate ground but did not proceed for want of educational certificate, it is further stated in paragraph 8 that in pursuance of the letter of the District Magistrate, West Champaran that the Department of Agriculture has forwarded the dossier of the petitioner containing her educational qualification of 8th Pass alongwith other concerned original records to the District Magistrate, West Champaran at Bettiah vide letter No. 3701 dated 19.9.2017 for necessary action. A copy of letter has been placed on



record at Annexure R/1 to the counter affidavit.

In the circumstances so noted where the dossier of the petitioner has been forwarded to the District Magistrate, West Champaran at Bettiah by the Agriculture Department for consideration of her case for appointment on compassionate ground, for the present I deem it necessary to direct the District Magistrate, West Champaran at Bettiah, who happens to be the Chairman of the District Compassionate Committee, to consider the case of the petitioner for compassionate appointment and dispose of the same in accordance with law within a period of six weeks from the date of receipt/ production of a copy of this order.

The writ petition is disposed of with the direction aforementioned.

(Jyoti Saran, J)

Surendra/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	20.10.2017
Transmission Date	NA

