

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Civil Writ Jurisdiction Case No.9392 of 2017**

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Samir Kumar, son of late Dr. Sajjan Kapoor, resident of Village + PO- Badhouna,  
P.S.- Vidhyapati Nagar, District- Samastipur.

.... .... Petitioner/s

Versus

1. The State of Bihar.
2. Director, Indigenous Medical, Health Department, Government of Bihar,  
Vikash Bhawan, New Secretariat, Bihar, Patna.
3. The Collector, Sheohar, District- Sheohar.
4. The Deputy Collector, Establishment, Sheohar, District- Sheohar.
5. Chief Medical Officer –cum- Civil Surgeon, Sheohar, District- Sheohar.
6. District Indigenous Medical Officer, Sitamarhi.

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Rajeev Ranjan, Adv.  
Ms. Bela Singh, Adv.

For the Respondent/s : Mr. Ramadjar Singh, GP-25

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**CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN**

**ORAL JUDGMENT**

**Date: 28-08-2017**

Heard the parties.

The father of the petitioner died in harness on 27.7.2009 and the petitioner filed his application for compassionate appointment on 8.3.2013 as confirmed from Annexure-3 which is within the prescribed period of 5 years as provided under the guidelines relating to compassionate appointment. The application of the petitioner has also been forwarded by the District Indigenous Medical Officer, Sitamarhi vide letter dated 21.11.2013 present at Annexure-4 addressed to the Director (Indigenous Medicine), Health Department, Bihar, Patna.

Despite such position the District Compassionate



Appointment Committee chaired by the District Magistrate, Sheohar has rejected the candidature of the petitioner for compassionate appointment on grounds that his application for compassionate appointment was not filed within the stipulated period.

Surprisingly even when the candidature of the petitioner has been rejected on grounds of belated filing of the application but the decision present in the resolution of the District Compassionate Appointment Committee does not whisper about the date on which the application was received. On the contrary the counter affidavit filed on behalf of the respondent nos.3 and 4 today i.e. the Collector, Sheohar and the Deputy Collector, Establishment, Sheohar at paragraph 2 does not deny the statement of the petitioner made at paragraphs 6 and 7 of the writ petition in which he has specifically stated about the filing of the application on 8.3.2013 and that the same was forwarded by the District Indigenous Medical Officer, Sitamarrhi to the Director (Indigenous Medicine) Health Department, Bihar, Patna on 21.11.2013 which is within the stipulated period of 5 years since the death of the petitioner's father on 27.7.2009. Apparently the decision of the District Compassionate Appointment Committee, Sheohar is contrary to the materials on record and has been passed with least application of



mind.

In result, the decision of the District Compassionate Appointment Committee dated 27.5.2017 in so far as it proceeds to cancel the candidature of the petitioner for appointment on compassionate ground, inter alia on the plea that it was received belatedly, is held illegal and is accordingly quashed and set aside. The matter is remitted to the District Compassionate Appointment Committee, Sheohar under the Chairmanship of District Magistrate, Sheohar to consider the case of the petitioner afresh and to take it to its logical conclusion within a maximum period of three months from the date of receipt/production of a copy of this judgment.

The writ petition is allowed.

**(Jyoti Saran, J)**

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| AFR/NAFR          | NAFR       |
| CAV DATE          | NA         |
| Uploading Date    | 31-08-2017 |
| Transmission Date | NA         |

