

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.11007 of 2016

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1. Chandani Kumari w/o late Ajay Baitha r/o vill - Kerma, P.O. - Kerma, P.S. - Kurhanni, Distt. - Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Chief Secretary, Govt. of Bihar, Patna.
3. The Registrar General, High Court of Judicature at Patna.
4. The District & Sessions Judge, Civil Court, Samastipur at Samastipur.
5. The Judge in charge, Adm. Civil Court, Samastipur at Samastipur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Amresh Kumar Sinha

For the Respondent/s : Mr. Ritesh Kumar- SC33

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 20-09-2017

Heard Mr. Amresh Kumar Sinha, learned counsel for the petitioner, learned counsel for the State and Mr. Smriti Singh, A.C. to Mr. Bindhyachal Singh, learned counsel appearing for the High Court and the District Courts.

The petitioner being wife of the Class-IV employee in the Judgeship of Samastipur prays for direction to the Compassionate Committee of the District Judgeship for consideration of her case on compassionate ground.

A counter affidavit is filed on behalf of the District Court and in paragraph 8 thereof it is stated that although the limit for compassionate appointment has been enhanced from 3% to 5% of the



sanctioned strength but despite the position, the case of the petitioner would not merit consideration because of the sanctioned strength of Class IV post in the Judgeship of Samastipur which is 141 there are already 12 compassionate appointees working which is more than 5%. It is thus submitted that in view of the statutory rules governing the issue of compassionate appointment, the case of the petitioner cannot be considered.

Having heard learned counsel for the parties and considering the explanation present at paragraphs 8 and 9 of the counter affidavit filed, no direction can be issued save and except that the petitioner, if so advised can apply against the future vacancies if she fulfils the criteria and which shall be considered by the Selection Committee bearing in mind that she is widow of a deceased employee of said court.

The writ petition is disposed of.

(Jyoti Saran, J)

Bibhash/-

AFR/NAFR	NAFR
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