

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10537 of 2016

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Syed Athar Rahman Son of Syed Matiur Rahman Resident of Mohalla-Baital Chowk Dharampur, Ward No 12(Nabi Compound), District - Samstipur.

.... Petitioner

Versus

1. The State of Bihar through its D.M. Samastipur.
2. The Patna High Court through its Registrar General
3. The Registrar General, Patna High court.
4. The Registrar, Establishment, Patna High Court.
5. The Registrar, Civil Court, Samastipur.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Zeyaul Hoda, Adv.
For the Respondent/s : Mr. Siddharth Shankar Pandey, AC to SC28
For the High Court : Mr. Bindhyachal Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

4 28-08-2017 Heard Mr. Zeyaul Hoda, learned counsel for the petitioner, learned counsel for the State and Mr. Bindhyachal Singh, learned counsel appearing for the High Court as well as District Court at Samastipur.

The grievance of the petitioner is against inaction of the authorities of the District Court at Samastipur in denying him compassionate appointment in place of his father, who died in harness while posted as Assistant in Sub-divisonal Court at Shahpur Patori within the judgeship of Samastipur.

A counter affidavit is filed on behalf of the District Court and Mr. Singh, learned counsel appearing on their behalf, in reference to the statements made in paragraphs 6 and 10 of the



counter affidavit submits that the number of compassionate appointees presently is more than 13% of the sanctioned strength, inasmuch as there are 19 Class IV employees appointed on compassionate ground as against the total strength of 141 and which is more than 13%. He, thus, submits that in the circumstances discussed, the petitioner cannot be considered for appointment on compassionate ground.

Having heard learned counsel for the parties and considering the statements made at paragraphs 6 and 10 of the counter affidavit, definitely the petitioner cannot be considered for appointment on compassionate ground in view of the position expressed but then he has every right to be considered against regular appointment on Class IV post as and when the same is initiated in the judgeship. The petitioner would be at liberty to apply in response to the process initiated for regular appointment and the appointing authority would accordingly consider his candidature for regular appointment.

With the aforementioned observation, the writ petition is disposed of.

(Jyoti Saran, J)

Surendra/-

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