

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1151 of 2015

In
Civil Writ Jurisdiction Case No.225 of 2014

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Dharmendra Kumar, s/o Late Vijay Singh, Resident of Village- Marua, P.O.
Patharia, P.S.- Jehanabad, District- Jehanabad.

... .. Appellant/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The District Magistrate, Jehanabad.
3. The Addl. Collector, (Naxal), Jehanabad.
4. The In-charge Officer, District Public Complain Shell, Jehanabad.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Ram Chandra Prasad Bharti, Advocate
For the Respondent/s : Mr. Anjani Kumar, AAG-4

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 15-01-2018

Having heard learned counsel for the parties, we have considered the issue in question with regard to grant of compassionate appointment to the appellant on account of his father was killed by the terrorists /extremists and benefits accruing to him in view of a Circular dated 09.08.2000 issued by the Government. Primarily on account of the fact that the Circular is



not now applicable, the claim of the appellant has not been considered.

However, on a perusal of the judgment rendered by this Court in CWJC No.5808 of 1997 (Dharam Shila Kuer versus State of Bihar & Others) reported in 2002(3) PLJR 497, we find that the said Circular has been considered by this Court and it has been held in para 53 that except for sub-paras (d) and (e) of para 1 of Part I of the said Circular which violates Article 14 of the Constitution, the other provisions are operational and it is only sub-paras (d) and (e) of Para 1 of Part I of the Circular, which has been held void and inoperative. That being so, the Circular in question still holds the field so far as it pertains to grant of benefits even if sub-para (d) and (e) of para 1 of Part I of the Circular are set aside. The respondents are, therefore, now required to evaluate the claim of the appellant for grant of compassionate appointment in accordance to the aforesaid Circular and take a decision and while doing so, in case, it is found that the appellant's claim falls in sub-paras (d) and (e) of para 1 of Part I of the Circular, then they may reject his claim, otherwise they are required to consider the effect of the Circular, its applicability on the appellant and pass a speaking order deciding his claim for compassionate appointment. Respondents are directed to take action and decide the claim as



indicated hereinabove within a period of six weeks from the date of receipt of a certified copy of the order.

With the aforesaid, the appeal stands allowed, the order passed by the learned Writ Court set aside and the matter remanded back for consideration by the competent authority.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

Sunil/-

AFR/NAFR	NAFR
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