

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8544 of 2016

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Manish Kumar, Son of late Diwakar Singh, Resident of Village & Post- Lohra
Laxmipur via Haweli Kharagpur, District Munger Bihar.

.... Petitioner

Versus

1. The Union of India, through the Director General Post, Dak Bhawan, New Delhi.
2. The Chief post Master General, Bihar Circle Patna, Bihar.
3. The Director, Postal Services, Head Quarters at Patna Bihar.
4. The Superintendent of Post Offices, Munger Postal Division Munger, Bihar.

.... Respondents

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Appearance :

For the Petitioner	:	Mr. Ansul, Advocate Mr. Archit Rajpal, Advocate Mr. Shreyanshu Kumar, Advocate
For Union of India	:	Mr. Awadesh Kumar Pandey, Advocate Mr. Ravinder Kumar Sharma, CGC

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

and

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date: 02-02-2017

The impugned order is said to be dated 14.01.2016, passed by Central Administrative Tribunal, Patna Bench, Patna in O.A. 242/2015. The Tribunal has dismissed the OA taking note of the Hon'ble Supreme Court decision rendered in the case of *State Bank of India Vs. Raj Kumar* reported in (2010) 11 SCC 661 which says that when a new scheme comes into operation, all the pending applications shall be considered as per the new scheme as the compassionate appointment is not a right but a concession.

The entire submission of the counsel for the petitioner



is based on the fact that as per circular dated 09.03.2012, the marks, which was required to be given for higher education, was withdrawn. This was a subsequent decision, therefore, the date of the application of the petitioner should be considered for such benefit.

Since the submission of the counsel for the petitioner is directly in teeth of the decision of the Hon’ble Supreme Court rendered in the case of Raj Kumar (supra), the Tribunal has committed no error in refusing to pass any order in favour of the petitioner.

Writ has no merit. It is dismissed.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

Rajesh/-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	04.02.2017
Transmission Date	

