

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.193 of 2016

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Pravin Kumar Yadav son of Late Bhola Rai resident of Village- Sabalpur (West),
P.S.- Sonapur, District- Saran at Chapra. Petitioner

Versus

1. The State of Bihar through the District Magistrate, Saran at Chapra.
 2. The Member, District Compassionate Committee, Saran at Chapra.
 3. The Deputy Collector, Establishment, Saran at Chapra. Respondents
- =====

Appearance :

For the Petitioner/s : Mr. Shaishav Kumar, Adv.

For the Respondent/s : Mr. P.K. Verma, AAG-3

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 21-03-2017

Heard Mr. Shaishav Kumar, learned counsel appearing for
the petitioner and Mr. P.K.Verma, AAG-3, for the State.

Although there is no dispute to the compassionate
appointment provided to the petitioner due to untimely death of his
father, the only dispute is that while the petitioner claims appointment
against Class III post, the same has not been provided to the petitioner
on his failure to pass the computer test.

When this matter was last taken for consideration on
7.3.2017, Mr. Shaishav Kumar, learned counsel for the petitioner, had
invited attention of this Court to a proceeding dated 25.2.2016 vide
Annexure 5 and to submit that the District Compassionate Committee
has waived of the requirement of appearing at a computer application
test in the light of Advisory issued by the General Administration
Department dated 27.5.2015 bearing Memo No. 7722. It is in this
view of the matter that the learned counsel for the State was required
to address the Court and when it is submitted by Mr. P.K.Verma,



learned AAG-3, that the application of the petitioner for compassionate appointment was filed on 3.11.2014 and which was considered in the backdrop of the Advisory of the General Administration Department bearing Memo No. 14227 dated 2.9.2013 which was in force as discussed at Agenda No.-2 of the proceeding present at Annexure 2, which inter alia required all such persons claiming compassionate appointment on Class III post to pass the computer application test and in which the petitioner has not succeeded. It is submitted by Mr. Verma that the case of the petitioner would be guided by the Advisory in force dated 2.9.2013 and not by the Advisory dated 27.5.2015 issued subsequent to his appointment recommended in the meeting held on 6.4.2015 which will have a prospective effect. Mr. Verma has referred to the appointment order of the petitioner placed on record vide Annexure 'C' to the counter affidavit which is dated 20.6.2015 to submit that the decision was taken in the meeting held on 6.4.2015.

Mr. Verma has produced the report as regarding financial status of the petitioner in sealed cover in terms of the order dated 8.12.2016 of this Court. Let it be retained on the record of the proceedings.

At this juncture it is stated at the Bar by Mr. Shaishav Kumar on instructions that one Kunal Kumar whose name appears at serial No.18 of the proceedings dated 6.4.2015 like the petitioner, had



also not succeeded in the computer test but yet he has been appointed on a Class III post. An issue of discrimination is thus being raised.

Having heard learned counsel for the parties and considering that the clarification relied upon by the learned counsel for the petitioner is subsequent to the approval of the case of the petitioner and others compassionate appointment in the meeting held on 6.4.2015, I am not persuaded with the submissions of the learned counsel for the petitioner but in case there has been a discriminatory treatment meted out in the matter of providing Class III appointment to similarly placed candidates, the petitioner would be at liberty to draw the attention of the District Magistrate, Saran at Chapra, who is the Chairman of the Compassionate Appointment Committee, with supportive details and any such representation being filed by the petitioner, the District Magistrate, Saran as the Chairman of the Committee would consider the same and dispose it of in accordance with law preferably within six weeks of its receipt.

With the aforementioned observation and direction, this writ petition is disposed of.

(Jyoti Saran, J)

Surendra/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	03.04.2017
Transmission Date	NA

