IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.419 of 2016
IN
Civil Writ Jurisdiction Case No. 5837 of 2011

==========

1. Sanjay Kumar Dass S/o Late Susheel Kumar Das R/o village - Bishanpur Bahor, P.S. Begusarai Town, District - Begusarai

.... Appellant

Versus

1. The State of Bihar through the Collector Cum Chairman, District Compassionate Committee, Begusarai
2. The Superintending Engineer, Rural Works Department Circle, Darbhanga
3. The Executive Engineer, Rural Work Pramandal, Samastipur
4. The Executive Engineer, Rural Work Pramandal, Begusarai

.... Respondents

==========

Appearance :
For the Appellant/s : Mr. Rajesh Kumar, Adv.
For the Respondent/s : Mr. Kinkar Kumar- SC-9
Mr. Rakesh Kumar Sharma, AC to SC-9

==========

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)
Date: 10-04-2017

The petitioner after the death of his father, who died in harness, was granted compassionate appointment in a class-4 post. He accepted the appointment, started work and thereafter claimed appointment in a class-3 post, on the ground that the Committee which considered his case and recommended for his appointment in a class-3 post. However, finding that he has already accepted the appointment in a class-4 post did not object, when the appointment was offered to him and taking note of the circular of the State Government, bearing No. 2067 of 1990 KA 13293 dated 05.10.1991,

WEB COPY

which prohibited change of category, after accepting a compassionate appointment, the learned writ court has dismissed the writ petition, holding that compassionate appointment is an appointment dehorse the staturoty rule of recruitment and, therefore, once appointment in a class-4 post was accepted, in the absence of change of category being permanent and once the change of category is specially prohibited by the Government Circular, writ court dismissed the writ petition.

In our considered view, in doing so, in the facts and circumstances of the case, the learned writ court has not committed any error, warranting re-consideration.

The appeal is, therefore, dismissed.

(Rajendra Menon, CJ)

(Sudhir Singh, J)

Amit/-

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

WEB COPY