

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.949 of 2016

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Rohit Kashyap S/o Late Sudhir Prasad Singh R/o Mohalla- Naya Tola (Parsoni Bhavan) Shyam Nandan Road, P.S.- Kaji Mohammadpur, District- Muzaffarpur with permanent Address at Sahebganj (Gulabpath), Parsoni, P.S.- Sahebganj, District- Muzaffarpur.

.... Petitioner

Versus

1. The State of Bihar
2. The Department of Human Resources Department, Govt. of Bihar, Patna through its Principal Secretary.
3. The Director, Primary Education Department of Human Resources, Govt. of Bihar, Patna.
4. The Commissioner, Tirhut Range, Muzaffarpur.
5. The District Magistrate, Muzaffarpur.
6. The District Programme Officer, Muzaffarpur
7. The District Compassionate Committee, Samastipur through its Chairman, the District Magistrate, Samastipur

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Onkar Nath, Adv.

For the Respondent/s : Mr. Anisul Haque, AC to AAG-5

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 20-09-2017

Leave is granted to the learned counsel for the petitioner to add the District Compassionate Committee, Samastipur through its Chairman, the District Magistrate, Samastipur as respondent no.7 during the course of the day and let appropriate impleadment be also made in the pleadings of the State Counsel.

Heard Mr. Onkar Nath, learned counsel appearing for the petitioner and Mr. Anisul Haque, learned AC to AAG-5 for the State.

The writ petition was filed by the petitioner, who claims to be the son of the deceased Government servant, to issue appropriate



direction to respondents no. 3 to 5 to consider his case for compassionate appointment as per guidelines issued on the subject.

A counter affidavit was filed by the In-charge Deputy Director, Primary Education and in which while placing information as regarding steps taken for payment of the death cum retrial dues of the father of the petitioner, it is stated in paragraph 14 that for the purpose of appointment on compassionate ground, the petitioner has to file an application in proper format so that it can be forwarded to the District Compassionate Committee for consideration. It is taking note of the statement made in paragraph 14 of the counter affidavit filed on behalf of the Director, Primary Education that this Court vide order dated 11.7.2017 directed the petitioner to appear before the Block Education Officer, Khanpur in the district of Samastipur on 14th July, 2017 and in turn the Block Education Officer was directed to take steps for completion of formalities. The matter was next taken up on 24.7.2017 when it was informed by Mr. S.Raza Ahmad, learned AAG-5, that the steps have been initiated for completion of formalities which yet it remained incomplete. The matter was next taken up on 13.9.2017 when the Block Education Officer, Khanpur through supplementary counter affidavit filed on his behalf placed information that the matter has been forwarded to the Regional Deputy Director of Education, Darbhanga Division, Darbhanga on



7.8.2017 but the affidavit yet did not disclose whether the matter was put up before the District Compassionate Committee, Samastipur. It is in these circumstances that this Court directed the Regional Deputy Director of Education, Darbhanga Division, Darbhanga to inform as to whether the case of the petitioner for compassionate appointment has been forwarded to the District Compassionate Committee, Samastipur.

Today a counter affidavit has been filed by Mr. Anisul Haque, learned AC to AAG-5, on behalf of the Regional Deputy Director of Education, who in paragraph 6 while accepting the receipt of papers relating to the petitioner for compassionate appointment has mentioned that the papers of the petitioner alongwith enclosures was forwarded to the District Magistrate, Samastipur for necessary action vide Memo No. 170 dated 9.8.2017. It is stated that the matter is now pending consideration before the District Magistrate, Samastipur who is the Chairman of the District Compassionate Committee, Samastipur. A copy of the recommendation dated 9.8.2017 is placed at Annexure R/1 to the counter affidavit which is complete with enclosures.

Having heard learned counsel for the parties and considering the stage at which the claim of the petitioner for compassionate appointment rests and considering that the petitioner



has been pursuing the cause since the death of his father on 10.1.2013, I deem it proper to direct the District Compassionate Committee, Samastipur through its Chairman, the District Magistrate, Samastipur to consider the recommendation made in favour of the petitioner for compassionate appointment and take a decision within a period of three months from the date of receipt/ production of a copy of this order.

The writ petition is allowed with the directions aforementioned.

(Jyoti Saran, J)

Surendra/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	07.10.2017
Transmission Date	NA

