

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9976 of 2017

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Santosh Kumar S/o Late Ram Autar Das, Resident of Mohalla-Iqbal Nagar,
Gaya, P.S.-Kotwali, District-Gaya.

.... Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Department of Health and Family Welfare, Bihar, Patna
2. The Divisional Commissioner, Magadh Division, Gaya.
3. The District Magistrate, Gaya.
4. The District Establishment Deputy Collector, Gaya.
5. The Chief Medical Officer Cum Civil Surgeon, Gaya.
6. The Superintendent, Anugrah Narayan Magadh Medical College and Hospital, Gaya.
7. The Circle Officer, Gaya.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Md. Javed Jafar Khan

For the Respondent/s : Mr. Chittranjan Sinha(PAAG-2)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 17-04-2018 The learned counsel for the petitioner submits that the application for appointment on compassionate ground was filed within time whereas the respondents in their counter affidavit have disputed the said factum of filing of the application within time.

In view of the rival contentions of the parties, this Court is not the forum for deciding disputed question of facts, hence it would be appropriate for the respondents to examine the entire matter including taking evidence which may be sought to be produced by the petitioner herein for the purposes of deciding as to whether the application was filed within time or not.



In such view of the matter, the respondent no. 3 is directed to examine the entire matter by giving an opportunity of hearing to the petitioner herein to lead evidence and in case he comes to a finding that the application for appointment on compassionate ground was filed within time, then he shall consider the case of the petitioner for appointment on compassionate ground. The entire exercise should be completed within a period of 10 weeks from today.

The writ petition is disposed of on the aforesaid terms.

(Mohit Kumar Shah, J)

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