

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10010 of 2017

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Ahmad Raza s/o Late Mobina Khatoon c/o M.D. Mobin (Driver), mohalla - Belwarganj, p.s. - Alamganj, district - Patna, pin - 800007.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The District Magistrate, Patna.
3. The Civil Surgeon cum Chief Medical Officer, Patna.
4. The Incharge Medical Officer, Primary Health Centre, Pandarak.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Lakmesh Marvind

For the Respondent/s : Mr. Binod Kr. Yadav, SC-18

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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 has disputed the said factum of filing of the application within time. Learned counsel for the petitioner has further referred to the letter of the authorities at Annexure-4 and 5 which are dated 16.8.2013 and 06.09.2013 wherein the petitioner has shown that reference of the case of the petitioner has been made and from that it appears that the application of the petitioner herein for compassionate ground was filed within time and the authorities had also acted thereupon.

In view of the rival contentions of the parties, this Court



being not the forum for deciding disputed question of facts, 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 eight weeks from today.

The writ petition is disposed of on the aforesaid terms.

(Mohit Kumar Shah, J)

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