

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20550 of 2016

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Prasant Kumar, son of Late Ram Sharan Mahto, Resident of Village-
Bataunah, P.O.- Bela, Police Station- Jainagar, District- Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Government of Bihar, New Secretariat, Patna.
2. The District Magistrate, Madhubani, District- Madhubani.
3. The District Education Officer, Madhubani, District- Madhubani.
4. The District Programme Officer, Madhubani, District- Madhubani.
5. The Block Development Officer, Jai Nagar, District- Madhubani.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Purushottam Jha, Advocate

Mr. Vikash Kumar Jha, Advocate

For the Respondent/s : Mr. Dharendra Kumar Roy, AC to GP- 23

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR
UPADHYAY
ORAL ORDER

2 05-02-2018

Heard learned counsel for the petitioner and State.

This writ application has been filed after service of two advance copies on 23.12.2016 to the office of learned Advocate General, but even after more than one year, respondents have not chosen to file counter affidavit.

The matter relates to compassionate appointment. The father of the petitioner died in harness on 10.03.2015.

Mr. Purushottam Jha, learned counsel appearing on behalf of the petitioner submits that the application for compassionate appointment was submitted to the respondents after completing all the formalities, but the respondents are sitting tight over the matter. Learned counsel for the petitioner has drawn the attention of this Court to Annexure-2 to indicate that under the



Scheme (Annexure-2) the petitioner's case is required to be considered for compassionate appointment.

Considering the fact that the respondents have not chosen to file counter affidavit and the case of the petitioner has not been decided either way by the respondents for compassionate appointment and the father of the petitioner died in harness on 10.03.2015, more than two years have passed by now there is no reason to keep the case pending, if the application in proper format was submitted on 05.06.2015 then the respondents are required to finally decide one way or the other.

Since the respondents have framed policy where they have fixed the time limit for submission of application for compassionate appointment i.e. 5 years. By the same analogy, the respondents are required to take final decision expeditiously, but even after two years they have not taken any final decision, which indicates the mind set of the respondents.

Under the compelling circumstance, the writ application is disposed of with a direction to respondent no.4 to take final decision in accordance with their own policy for compassionate appointment within a maximum period of 60 days from the date of receipt/production of a copy of this order.

(Anil Kumar Upadhyay, J)

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