

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.790 of 2017
IN
Civil Writ Jurisdiction Case No. 13693 of 2013**

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Samrita Sinha, W/o Late Vijayanand Prasad, resident of House no. 60 New Karman Tola Behind bus Stand, C/o Rakesh Kumar Sinha (Advocate), P.O.-East Nawada, P.S.-Nawada, District-Bhojpur.

.... Appellant

Versus

1. The State Of Bihar, through the Chief Secretary, Patna
2. The Director, Department of Information and Public Relation, Bihar, patna
3. The District Officer, District Information and Public Relation Office, Patna.
4. The District Magistrate, cum Chairman Compassionate Appointment Committee, Patna at Patna.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Pranav Kumar

For the Respondent/s : Mr. P.K. VERMA- AAG3

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CORAM: HONOURABLE THE CHIEF JUSTICE

And

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD)

Date: 02-04-2018

Challenging the judgment dated 27.10.2016 passed in CWJC No. 13693/2013, the writ petitioner is in this intra-court appeal before us.

2. The grievance of the petitioner is that even though Class-III posts were available for appointment on compassionate ground but the petitioner was not adjusted and on the basis of the recommendation of the Compassionate Appointment Committee she was given appointment on compassionate ground only against a class-IV post. The petitioner claimed that she was called upon to appear in the



screening test for appointment on Class-III post and had succeeded in the same but because the office of respondent no. 2 had given a wrong feedback to the District Compassionate Committee that the post of Class-III is not vacant in the department, the District Compassionate Committee got misled and did not recommend the name of the petitioner for appointment on the compassionate ground.

3. The learned writ court accepted the submission of learned counsel representing the State that as per government policy decision only 5% of the post will be provided for appointment on compassionate ground and in the present case, on a calculation the total post for compassionate appointment comes to six and all the six posts were occupied by the compassionate appointee, therefore, the petitioner was not adjusted against Class-III post.

4. Assailing the impugned judgment of the learned writ court, the appellant has once again placed reliance upon the information received by her under the Right to Information Act, saying that the total strength of Class-III posts, according to the information, were 125 against which 66 were working, 35 were notified for direct recruitment and 24 posts were waiting for roster clearance.

5. Having heard learned counsel for the petitioner-



appellant as well as learned counsel representing the State, we are of the considered opinion that the submission of the petitioner that she could have been adjusted against the Class-III post is totally misconceived and misplaced. The petitioner is unable to understand that as per government policy only 5% posts were provided for appointment on compassionate ground. No fault may be found with the government’s policy in this regard. It is also evident that the petitioner did not raise any issue and claim for her appointment against Class-III post and happily accepted her appointment against Class-IV post as per recommendation of the District Compassionate Appointment Committee. Only at a later stage, having obtained information under the Right to Information Act, she started raising this issue without appreciating the government’s policy.

6. Thus, we find no merit in this appeal. It is, accordingly, dismissed.

(Rajendra Menon, C.J.)

Rajeev/-

(Rajeev Ranjan Prasad, J.)

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	05.04.2018
Transmission Date	NA

