

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15875 of 2014

-
-
1. Most. Sumitra Devi Wife of Late Ganga Yadav Resident of village - Sahebganj Bind, Police Station Nath Nagar, District - Bhagalpur
 2. Kailash Yadav Son of Late Ganga Yadav Resident of village - Sahebganj Bind, Police Station Nath Nagar, District - Bhagalpur

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Deptt. of Education, Govt. of Bihar, Patna
2. The Vice Chancellor, Tilka Manjhi, Bhagalpur University, Bhagalpur
3. The Registrar, Tilka Manjhi, Bhagalpur University, Bhagalpur

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Shashi Bhushan Kumar
For the Respondent/s : Mr. Arvind Kumar, AC to GP 23

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

4 01-11-2018 The instant writ petition was filed by the petitioners for a direction to the respondents to consider the case of petitioner no.2 for appointment on compassionate ground.

Learned counsel appearing on behalf of the petitioners submits that Ganga Yadav, Night Guard in Tilka Manjhi University, father of petitioner no.2, died in harness on 04.11.2003. Prayer of similarly circumstanced other persons was considered by the Compassionate Appointment Committee of the University but the claim of the petitioner no.2 was not considered. Under the aforesaid circumstances, the petitioners filed CWJC No. 13283 of 2006 which was disposed of by order dated 06.05.2010. From the said order contained in Annexure-6



it is evident that this Court directed the University to take appropriate decision in the matter within a period of three months. Thereafter, on 03.08.2011 the decision was taken that the father of petitioner no.2 was not a regular employee and was not absorbed in the service of the University and as such the case of petitioner no.2 was rejected.

Learned counsel representing the petitioners submits that the respondents have committed error in treating the father of petitioner no.2 as not regularized. In fact, the University has taken decision to regularize the service of the late employee. If the father of petitioner no.2 was regularized by the University, then rejection of the claim of petitioner no.2 for appointment on compassionate ground is a manifest error.

In view of the fact that no counter affidavit was filed on behalf of the University in the instant case, the writ petition is disposed of with a liberty to the petitioners to file a fresh representation addressed to the Vice-Chancellor of the University enclosing the document that the father of petitioner no.2 was in fact regularized by the University and in case such document is filed by petitioner no.2 to demonstrate that his father was regularized and was made a regular employee, in that situation the University is required to pass a fresh order in the



matter of compassionate appointment. They cannot now take the plea that the father of petitioner no.2 died in 2003 and therefore it is too late to claim compassionate appointment.

Necessary decision on the representation enclosing the document showing regular appointment of the father of petitioner no.2 may be taken by the University within a period of four months from the date of receipt / production of a copy of this order.

With the aforesaid, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

mrl./-

U			
---	--	--	--

