

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6303 of 2016

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Nirbhay Kumar Shrivastava, son of Late Mritunjay Prasad Shrivastava,
resident of village Surbal, P.O. Jiradai, P.S. Jiradei, District Siwan

.... Petitioner

Versus

1. The State of Bihar, through Principal Secretary, Urban Development and Housing Department, Bihar, Patna
2. Deputy Secretary, Urban Development and Housing Department, Bihar, Patna
3. The District Magistrate, Siwan
4. Siwan Nagar Parishad, through its Executive Officer, having office at Siwan
5. The Executive Officer, Nagar Parishad, Siwan

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Gajendra Kumar Singh, Adv.

For the Respondent/s : Mr. Vivek Prasad, GP-7
Mr. Jitesh Singh, AC to GP-7

For Nagar Parishad : Mr. Ravi Bhushan Verma, Adv.

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

3 03-05-2018 Heard Mr. Gajendra Kumar Singh, learned counsel for the petitioner, Mr. Vivek Prasad, learned GP-7, for the State and Mr. Ravi Bhushan Verma, learned counsel for Nagar Parishad, Siwan.

The petitioner while praying for quashing of the order bearing Memo No. 368 dated 20.2.2016 of the Executive Officer, Nagar Parishad, Siwan, whereby he has informed the District Magistrate, Siwan that the prayer of the petitioner for compassionate appointment in place of his deceased wife cannot be entertained because he is over aged, prays for an appropriate direction to the respondent authorities for a fresh consideration



after condonation of his age.

Mr. Ravi Bhushan Verma, learned counsel for the Nagar Parishad, submits that although initially such was the stand taken by the Executive Officer but subsequently the Nagar Parishad has requested the Urban Development and Housing Department for guidelines on the issue of condonation of age limit through letter dated 20.4.2018 at Annexure 'A' of the supplementary counter affidavit filed on 24.4.2018.

Today second supplementary counter affidavit is filed on behalf of Nagar Parishad and in reference thereto Mr. Verma further informs that certain queries made by the Department has also been answered and now the matter is pending for decision by the Department.

Mr. Vivek Prasad, learned GP-7, while acknowledging the position informs that the prayer has been made by the Department for four weeks adjournment for taking a final decision on the issue.

Having heard learned counsel for the parties and considering that it is the Department of Urban Development and Housing which is to take a final decision in the matter, instead of keeping this writ petition pending, I deem it proper to direct the Principal Secretary, Urban Development and Housing Department



to take the matter to its logical conclusion and pass appropriate order in accordance with law within a period of six weeks from the date of receipt/ production of a copy of this order.

This disposes of the writ petition.

(Jyoti Saran, J)

Surendra/-

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