

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5999 of 2017

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1. Arbind Prasad Son of late Baban Prasad Resident of Village- Ghunsari, P.O. - Awarhi, P.S.- Sikraul, District- Buxar, At presently Posted as Class IVth Grade Employee (Peon), Itarhi, +2 High School, Itarhi, Buxar.

.... Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Government of Bihar, Patna.
2. The District Magistrate, Buxar, Distt- Buxar.
3. The District Compassionate Committee, headed by District Magistrate, Buxar, Distt- Buxar.
4. District Education Officer, Buxar, District- Buxar.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Brij Mohan Kumar Singh

For the Respondent/s : Mr. Madanjeet Singh-Gp20

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR
UPADHYAY
ORAL ORDER

2 08-02-2018 Heard learned counsel for the petitioner and learned counsel, appearing for the State.

Despite the order dated 24-11-2017, the respondents have not filed counter affidavit and as such, the court is unable to decide this writ application in view of law, laid down by the Apex Court in the case of Smt. Naseem Bano Vs State of U.P & Others. AIR 1993 SC 2592.

In the present writ application, the petitioner's grievance is non-consideration of case of the petitioner for appointment on Class-III posts.

Counsel for the petitioner has submitted that the



vacancy in class-III post is available and the respondents are ignoring the case of the petitioner in the matter of consideration for his appointment on class-III posts.

Without expressing any opinion, this writ application is disposed of with direction to the District Education Officer, Buxar (respondent No. 4) to take final decision for placing the case of the petitioner before the District Compassionate Appointment Committee (respondent No. 3) within a period of one month from the date of receipt/production of copy of this order. The District Compassionate Appointment Committee is required to take final decision considering the case of the petitioner in accordance with law and while taking decision, the respondents are required to consider the fact that similarly circumstanced others were favoured with appointment on class-III posts.

The respondent No. 3 is directed to dispose of the case of the petitioner, preferably, within a period of two months from the date, the record of the petitioner is placed before him.

With the aforesaid, the writ application stands disposed of.

(Anil Kumar Upadhyay, J)

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