

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.632 of 2017

IN

Civil Writ Jurisdiction Case No. 10752 of 2016

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Ajay Kumar Son of Sri Jugesh Sharma, Resident of Village- Gamharpur, Police Station- Khizersarai in the district of Gaya.

.... Appellant/s

Versus

1. The State of Bihar through the Home Secretary, Government of Bihar, Patna.
2. The Additional Secretary, Home Department, Government of Bihar, Patna.
3. The District Magistrate-cum-Chairman, District Level Selection Committee, Gaya.
4. The Superintendent of Police, Gaya.
5. The Sub-Divisional Magistrate, Neemchak Bathani at Khizersarai, Gaya.
6. The Sub-Divisional Police Officer, Neemchak Bathani at Khizersarai, Gaya.
7. The Circle Officer, Khizersarai, Gaya.
8. The Officer-in-Charge of Khizersarai Police Station in the district of Gaya.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Sunil Kumar, Adv.

For the Respondent/s : Mr. Prabhat Kumar Verma, AAG-3

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

and

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date: 17-04-2018

Heard counsel for the appellant and counsel for the State.

The order under appeal is dated 06.03.2017.

Concept of appointment on the post of Dafadar by right of inheritance is no longer a valid right after the Chowkidars and Dafadars became Government servants. Any claim



for appointment on compassionate ground has to be on the basis of the policy in existence.

The claim of the petitioner before the Writ Court, who is appellant now, was that since the Dafadar had no sons and he had been nominated, therefore, a right for compassionate appointment was made out. The matter was considered by the District Compassionate Appointment Committee, Gaya and it rejected his claim way back on 19.06.2004. This order was never challenged and attained finality. Again after almost 12 years a new writ application was filed seeking similar relief.

In the above circumstances, in absence of any policy for providing compassionate appointment to such wards of the erstwhile Dafadar, no interference is warranted with the order of the learned Single Judge.

Appeal is dismissed.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

Rajesh/Devendra

AFR/NAFR	NAFR
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