

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3686 of 2016

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Chanda Devi, Wife of Late Sikandar Paswan, resident of village- Belsar, P.S.-
Amdanda, District- Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary (Home), Bihar, Patna.
2. The District Magistrate, Bhagalpur.
3. The Superintendent of Police, Bhagalpur.
4. The Sub-Divisional Officer, Kahalgaon, District- Bhagalpur.
5. The Deputy Superintendent of Police, Kahalgaon, District- Bhagalpur.
6. The Circle Officer, Sanhaura, District- Bhagalpur.
7. The Police Inspector, Kahalgaon, District- Bhagalpur.
8. The Officer-in-Charge, Amdanda Police Station (Out Post), District-
Bhagalpur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Uday Kumar, Advocate

For the Respondent/s : Mr. Vivek Prasad, GP-7

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 19-03-2018

Heard Mr. Uday Kumar, learned counsel appearing for the
petitioner and Mr. Vivek Prasad, learned Government Pleader No.7
for the State.

The writ petition is filed seeking appropriate direction to
the respondent authorities more particularly the District Magistrate,
Bhagalpur as the Chairman of the District Compassionate
Committee, Bhagalpur to appoint the petitioner on compassionate
ground as according the petitioner, the application filed by her was
pending since 2012.

Facts are not in dispute and the husband of the petitioner,
a Chaukidar in Amdanda Police Station in the district of Bhagalpur



died in harness on 8.3.2012. The application filed by the petitioner for compassionate appointment, a copy of which is enclosed at Annexure 1 to the writ petition, is within time and since according to the petitioner, it was not being acted upon that she came before this Court.

A counter affidavit was filed on behalf of the Superintendent of Police to inform that the matter was pending before the District Compassionate Committee, Bhagalpur. This Court taking note of the circumstances directed the District Magistrate to file his counter affidavit on the grievance raised and following which a counter affidavit is filed by the Circle Officer, Sanhaura on behalf of respondent nos.2, 4 and 6 including the District Magistrate, Bhagalpur.

Mr. Vivek Prasad, learned Government Pleader No.7 has very fairly invited the attention of this Court to Annexure 'A' to the said counter affidavit and with a particular reference to the decision of the District Compassionate Committee, Bhagalpur in so far as the petitioner is concerned whose name appears at serial no.8 of the minutes he submits that since the petitioner lacked educational qualification for appointment against a Class IV post that her candidature was kept pending and guidelines was sought from the headquarters. He submits that Annexure 4 to the writ petition confirms that the petitioner has since passed her Matriculation



examination which is the minimum eligibility qualification prescribed for appointment against Class IV post and thus prima-facie the petitioner has become educationally qualified for such appointment.

Mr. Uday Kumar, learned counsel appearing for the petitioner submits that since the case of the petitioner was kept pending solely on account of lack of prescribed educational qualification and which she has attained within the period prescribed under the guidelines, hence appropriate direction be issued to the District Compassionate Committee, Bhagalpur for consideration of her case afresh, in the light of the subsequent development.

I have heard learned counsel for the parties and I have perused the records.

The minutes of the District Compassionate Committee at Annexure 'A' dated 11.5.2013 in so far as the case of the petitioner whose names appear at serial no.8 is concerned, very fairly confirms that since the petitioner did not possess the minimum educational qualification for appointment against Class IV post that guidelines had been sought for from the headquarter and the matter was kept pending. However, before any decision could be taken by the headquarter that the petitioner appeared in the Matriculation examination in the year 2014 and has successfully completed the same as manifest from the certificate issued by the Bihar School



Examination Board, Patna enclosed at Annexure 4 which is dated 5.6.2014 and which date would be relevant because it falls within the stipulated period of 5 years from the date of death of the Government servant concerned i.e. the husband of the petitioner.

In view of the situation so explained where the petitioner has made herself educationally qualified for appointment against Class IV post within the stipulated period of 5 years since the death of her husband, the District Magistrate, Bhagalpur as the Chairman of the District Compassionate Committee, Bhagalpur is directed to consider the candidature of the petitioner for appointment on compassionate ground afresh and dispose of the same in accordance with law within a period of 3 months from the date of receipt/production of a copy of this order.

The writ petition is allowed with the direction aforementioned.

(Jyoti Saran, J)

SKPathak/-

AFR/NAFR	AFR
CAV DATE	NA
Uploading Date	28-03-2018
Transmission Date	NA

