

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.13021 of 2016

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Manoj Kumar Jha, S/o Late Shivanand Jha, at Present residing at Stadium Road, Madhubani, P.S. Madhubani, District Madhubani, at present working as Routine Clerk, J.M.P.D.L. College, Madhubani

.... Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Human Resources Department, Govt. of Bihar, Patna
3. The L.N. Mithila University, Darbhanga through its Registrar, Darbhanga
4. The Vice - Chancellor, LNMU, Kameshwar Nagar, Darbhanga
5. The Vice - Chancellor, LNMU, Kameshwar Nagar, Darbhanga
6. The Principal, J.M.D.P.L., Mahila College, Madhubani

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Pranav Kumar Jha, Advocate

For the Respondent/s : Mr. Ashutosh Ranjan Pandey- AAG15

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

Date: 18-07-2018

Heard learned counsel for the petitioner and State as well as University.

2. Petitioner in this writ application was appointed on compassionate ground on the basis that his father was working in the College made constituent in 4th phase, on 10.08.1992. The service of the petitioner was approved by the Vice-Chancellor of the University.

3. Learned counsel submits that the name of the father of the petitioner figures in letter no. 25(C) issued by the State Government for the purpose of absorption of non-teaching employee. He submits that the University has issued notification for absorption



of the father of the petitioner on 09.07.2005. He submits that in view of the fact that the case of the father of the petitioner's was considered by the University and the follow up order for notification was also issued, there is no infirmity in the appointment of the petitioner on compassionate ground. He further submits that the University may be directed to allow the petitioner to continue as appointed on compassionate ground.

4. In view of the above, the writ application is allowed. The respondent University is directed to grant the benefit of compassionate appointment being the dependent of erstwhile employee, who was ultimately absorbed in the services of the University and the subsequent decision annulling the notification of absorption is hereby declared as nullity. Consequently, the order contained in Annexure-14 dated 17.01.2013 is quashed.

5. The respondents are also directed to restore the benefit of absorption of the father of the petitioner the status of absorbed employee and all the consequential benefits including the benefit of compassionate appointment of the writ petitioner and grant salary including current salary, if the petitioner is regularly working after compassionate appointment in the year 1992. The petitioner must be given all consequential benefit within a period of four months



from the date of receipt/production of a copy of this order.

6. With the aforesaid, the writ application stands allowed and disposed of.

(Anil Kumar Upadhyay, J)

Uday/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	02.08.2018
Transmission Date	

