

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 15685 of 2014

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Md Junaid Alam S/o Late Gayasuddin Resident of Village - Satghara, P.S. -
Jokihat, P.O. - Pathrabari, District - Araria.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Public Health Engineering Department, Bihar, Patna.
2. The Principal Secretary, Public Health Engineering Department, Bihar, Patna.
3. The Joint Secretary, Public Health Engineering Department, Bihar, Patna.
4. The Principal Secretary, Department of General Administration, Bihar, Patna.
5. The Additional Secretary, Department of General Administration, Bihar, Patna.
6. The Principal Secretary Department of Finance, Government of Bihar, Patna.
7. The Joint Secretary, Department of Finance, Bihar, Patna.
8. The Additional Secretary, Public Health Engineering Department, Bihar, Patna.
9. The Engineer-in-Chief-cum-Special Secretary Public Health Engineering Department, Bihar, Patna.
10. The Chief Engineer (Mechanical) Public Health Engineering Department, Bihar, Patna.
11. The Superintending Engineer Public Health Engineering Department Begusarai Circle, Begusarai.
12. The Executive Engineer, Public Health Division, Khagaria.
13. The District Magistrate-cum-District Establishment Committee for Compassionate Appointment, Khagaria.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr Siyaram Pandey, Advocate
For the State : Mr Ramadhar Singh, GP XXV

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date: 15-05-2018

Heard learned counsel for the petitioner and the
respondent-State.

2 The petitioner's father died in harness on 22.05.2011
while working in the office of the Executive Engineer under the
Public Health Division, Khagaria on the post of Key man –cum-



Khalasi which was a Group D post under the regular establishment. The petitioner submitted his claim for compassionate appointment. The same was considered by District Compassionate Appointment Committee in the district of Khagaria and the petitioner's claim for compassionate appointment was recommended under the decision of the Compassionate Appointment Committee dated 23.08.2012.

3 The petitioner is aggrieved by pendency of the said recommendation. It is submitted that in spite of such recommendation being made in favour of the petitioner, he has not been granted the compassionate appointment.

4 The respondent-State has filed one counter affidavit as also a supplementary counter affidavit. The stand of the respondent is that the petitioner's claim is to be considered amongst the 10% quota fixed for compassionate appointment on the post of Lower Division Clerk as per notification dated 20.05.2014, as contained in Memo No 6561 (Annexure A to the counter affidavit). It is submitted that as per the said notification, there is no vacancy at present to appoint the petitioner on compassionate ground and the future vacancy will be filled up in accordance with these amended Rules. Thus, the petitioner's claim is to be finally redressed by the authorities in accordance with the notification dated 20.05.2014 whereby the criteria have been laid down.



5 Since the final order is to be issued with reference to the said notification of 2014 by the authorities themselves, no further order need be issued in the instant writ petition since entitlement of petitioner is not disputed. The respondent-authorities would be obliged to proceed with the appointment of the petitioner on compassionate ground in accordance with the scheme of 2014 and grant the benefit of compassionate appointment subject to availability of vacancies.

6 The writ petition is, therefore, disposed of.

(Madhuresh Prasad, J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	18.05.2018
Transmission Date	NA

