

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 7437 of 2015

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Sheo Paswan, Son of Late Mahendra Paswan, resident at Kumhar Toli, P.O. and
P.S. Fulwarisarif, District Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The District Compassionate Appointment Committee, Patna through D.M. Patna
its Chairman.
3. The District Magistrate, Patna, Chairman, District Compassionate Appointment
Committee, Patna.
4. The District Animal Husbandry Officer, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr Bipin Bihari Singh, Advocate
For the S t a t e : Mr Rishi Raj Sinha, SC XIX with
Mr Akhilesh Kr Sinha, AC to SC XIX

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date: 19-03-2018

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

2 While working as Cattle Yard Coolie, petitioner's
father passed away on 07.01.2012. Being the legal heir of the
deceased-employee, petitioner made the application for
compassionate appointment. On 27.08.2013, the District
Compassionate Appointment Committee, Patna, in its meeting,
considered the case of the petitioner and rejected the same as in view
of the minimum standards laid down for appointment on Class IV
post, the petitioner has been found disqualified as he was not Xth



pass. Petitioner appears to have acquired the qualification and made the application afresh which was considered in the meeting of the District Compassionate Appointment Committee in its meeting dated 27.01.2015.

3 Learned counsel for the petitioner submits that though the extant scheme of compassionate appointment provides for making application within five years of the death of the deceased, the petitioner's case has been rejected even though the same has been filed within five years. The petitioner applied for a second time within the aforesaid time prescribed by the extant resolution in respect of compassionate appointment.

4 Learned counsel for the State, on the other hand, submits that since the earlier Compassionate Appointment Committee, by its meeting dated 27.08.2013, has rejected the case of the petitioner as being unqualified, the petitioner was not entitled to any appointment on compassionate ground. However, the respondent-State is not able to point out that the period of five years granted under the resolution for making application for compassionate appointment has been modified or altered to a lesser period and whether the petitioner's application was barred on any other ground than the fact that when he first made his application, he was not qualified.



5 This Court finds that the petitioner's earlier application has been rejected only on one ground that he does not possess the requisite qualification being Xth pass. When the matter was considered by the Compassionate Appointment Committee on 27.01.2015, for the second time, the petitioner was duly qualified in terms of educational standard. In view thereof, the order, in so far as it rejects the claim of the petitioner on the ground that earlier he was not qualified, is unsustainable both in facts and in law.

6 In view of the aforesaid finding, this Court would direct the District Compassionate Appointment Committee to consider the case of the petitioner as Xth pass candidate possessing the requisite educational qualification and if he is otherwise entitled for appointment on compassionate ground, his case may be considered in accordance with law within a period of eight weeks from the date of receipt/production of a copy of this order.

7 The writ petition is allowed to the extent indicated above.

(Madhuresh Prasad, J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	20.03.2018
Transmission Date	NA

