

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5733 of 2018

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Narad Bihari, son of Late Naresh Bihari, resident of Nabtolia (Bindwara),
J.R.S. College Road, P.O.-Munger, District-Munger

.... Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Department of Human Resources and Development, Government of Bihar, Patna
2. The Director, Higher Education Department, Government of Bihar, Purnea
3. The Tilka Manjhi Bhagalpur University through its Vice Chancellor, Bhagalpur
4. The Registrar, Tilka Manjhi Bhagalpur University, Bhagalpur
5. The Compassionate Committee Bhagalpur University, Bhagalpur University, Bhagalpur
6. J.R.S. College, Jamalpur, P.O. Jamalpur, District-Munger
7. The Principle, J.R.S. College, Jamalpur, P.O. Jamalpur, District-Munger

.... Respondent/s

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Appearance:

For the Petitioner/s : Mr. Brij Mohan Kumar

For the Respondent/s : Mr. Kameshwar Kumar, GP-17

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

5 05-09-2018 The present writ petition has been filed for directing the respondents to appoint the petitioner on compassionate ground pursuant to death of his father on 06.08.2005.

The respondent University has filed a counter affidavit, paragraph no. 11, whereof is reproduced herein below:

“That it is most humbly submitted that as far as appointment/regularization of the service of the father of petitioner is concerned, it is submitted that his father was though appointed provisionally vide office order no. 32/2003 dated 25.01.03, the State Government had raised some objections against the process of appointment and hence the respondent University had vide its another office order bearing no. 69/2005 dated 18.04.05 cancelled those office orders with retrospective



effect. However, the service of 365 employees were later on absorbed vide office order no. 84/2006 to 89/2006 dated 27.05.06 but prior to issuance of this office orders, the father of the petitioner had died on 06.08.05. This is the reason why the service of the father of petitioner was not regularized/absorbed in regular service and hence the appointment of petitioner on compassionate ground was rejected.”

I have heard the learned counsel for the respondents and I find that the father of the petitioner was entitled for absorption, however, on account of his untimely death, the same could not take place but in any case the absorption should have been made from the date the father of the petitioner was initially appointed i.e. in the year 2003.

In such view of the matter, it is for the authorities of the University to examine the actual facts of the case and properly apply their mind to the issue as to whether the father of the petitioner, in view of the regularization of 365 employees, was also entitled for absorption and in case he was entitled for absorption then consequentially the petitioner herein would also be entitled for appointment on compassionate ground.

Having regard to the facts and circumstances of the case, the order issued by the Registrar, Tilka Manjhi Bhagalpur University, Bhagalpur dated 01.09.2017 is set aside and the matter is remanded to the Compassionate Appointment Committee to re-



consider the case of the petitioner and pass a reasoned order within
a period of six weeks from today.

The writ petition is disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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