

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.959 of 2019

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Rajeev Kumar, Son of Late Ramkhelawan Sharma, Resident of Mohalla-
Lallu Pokhar, Argara Road, P.S. Kasim Bazar, District- Munger.

... .. Petitioner

Versus

1. The State Of Bihar through the Principal Secretary, Department of Health,
Government of Bihar, Patna.
2. The Director-in-Chief, Department of Health, Govt. of Bihar, Patna.
3. The District Magistrate, Begusarai.
4. The District Establishment Committee, Begusarai.
5. The Civil Surgeon-cum-Chief Medical Officer, Begusarai.
6. The Deputy Collector, Establishment, Begusarai.
7. The In-Charge Medical Officer, Matihani, Begusarai.
8. The Medical Officer, Rajkiya Ausdhayalya, Sahebpur Kamal, Begusarai.

... .. Respondents

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Appearance :

For the Petitioner	:	Mr. Sarvdeo Singh, Mr. Ashok Kumar, Advocate
For the Respondents	:	Mr. Birju Prasad , GP 13 Mr. Ravi Kumar, AC to GP 13

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT

Date : 18-12-2019

Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

By this writ application, the petitioner has prayed for
quashing of the part of the proceeding pertaining to the
petitioner dated 24.03.2017 of District Level Compassionate
Committee whereby the candidature of the petitioner for
appointment on compassionate ground has been rejected.

Learned counsel for the petitioner submits that the



petitioner has applied for consideration of his case for appointment on compassionate ground. The application of the petitioner under the Right to information Act was disposed of on the ground that the service-book of the petitioner's mother was not available. The petitioner's brother has earlier approached this Court in CWJC No. 16231 of 2011 and by order dated 14.01.2015, the Court directed the respondents to take steps for reconstruction of the service documents.

Learned counsel for the petitioner submits that consideration of the case of the petitioner was only an empty formality because the respondents have indicated the reason for rejection of the application as time barred.

Learned counsel for the respondents is not in a position to controvert the fact that the application was filed within due time and the relevant record was traceless as the same had gutted in fire. As such, after passing of the order by this Court, the respondents have re-constructed the aforesaid record.

Considering the fact that the documents which were in custody of the respondents were destroyed due to fire, the petitioner cannot be made to suffer for destruction of the documents. In that view of the matter, the order rejecting the claim of the petitioner on the ground that the application for



appointment on compassionate ground was time barred, is hereby set aside. The respondents are directed to consider the case of the petitioner afresh for appointment on compassionate ground within 60 days. Necessary decision in this regard must be taken within the aforesaid stipulated period,

It is made clear that the respondents cannot take a plea that the application of the petitioner for appointment on compassionate ground was time barred.

With the aforesaid observations, the writ petition stands allowed.

(Anil Kumar Upadhyay, J)

BT/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	24.12.2019
Transmission Date	N.A.

