

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12408 of 2016

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Mithilesh Kumar Singh S/o Late Raj Kishor Singh resident of village - Alipur,
P.O. - Alipur, P.S. - Ara Muffasil, District - Bhojpur at Ara.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Personal and Administrative Department, Govt of Bihar, Old Secretariat, Patna
2. The District and Sessions Judge Bhojpur at Ara (in administrative Capacity).
3. The Registrar, Civil Court, Bhojpur at Ara.
4. The Registrar, Administration, Patna High Court, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sanjay Singh, Advocate Mr. Dewendra Narayan Singh, Advocate
For the Respondent/s	:	Mr. Mankeshwar- Advocate

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL JUDGMENT

Date : 13-02-2019

It is submitted by counsel for the petitioner that since his claim for compassionate appointment had been processed and recommended in the year 2015 itself, change of policy effected in 2016 cannot stand in the way of consideration of petitioner's claim for compassionate appointment.

Counsel for the respondents appeared. He has brought to the notice of this Court a decision of the Division Bench dated 18.07.2017 passed in LPA no. 2390 of 2016. Under similar circumstance the Division Bench of this Court relying upon the principles of law in the case of **Canara Bank and another versus M. Mahesh Kumar** reported in (2015) 7 SCC 412 has held that subsequent change in the policy brought out in the year 2016 would not apply to the cases which were already processed



and recommended for compassionate appointment prior thereto.

In view of the legal position, the Division Bench has remanded the matter for reconsideration in light of the position of law emanating from the judgment in the case of **Canara Bank** (supra).

Since the said decision of the Division Bench squarely covers the case of the petitioner, petitioner’s case is also remanded to the respondents for reconsideration without relying upon the policy change of the year 2016.

Writ petition is allowed with the aforesaid observations.

(Madhuresh Prasad, J)

Prakash/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

