

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14842 of 2016

Prabhash Kumar Mishra son of Late Bipin Kumar Mishra, Resident of Village and Post- Majhigawan, Police Station- Rohtas, District- Rohtas.

... .. Petitioner

Versus

1. The State Of Bihar through the Principal Secretary, General Administration Department, Govt. of Bihar, Patna
2. The Director General of Police, Bihar, Patna.
3. The Inspector General of Police Welfare Bihar, Patna.
4. The Commissioner, Patna Division, Patna.
5. The District Magistrate, Patna.
6. The Senior Superintendent of Police, Patna.

... .. Respondents

Appearance :

For the Petitioner/s	:	Mr.Manoj Kumar
For the Respondent/s	:	Mr.Partha Sarthi- Ga4
		Mr. Apurva Kumar, AC to GA 4

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 28-02-2019 Heard learned Counsel for the petitioner and the learned Counsel for the respondent State.

The short submission raised by the petitioner's Counsel is that from perusal of Force Order passed by the Senior Superintendent of Police on 17.6.2016 bearing Memo No. 685, it is evident that the District Compassionate Committee headed by District Magistrate, Patna had recommended petitioner's appointment on compassionate ground in Grade III (Constable). In case of unavailability of vacancies only same was to be done on Grade IV post. The said



recommendation has been given effect to by the Senior Superintendent of Police, Patna by appointing the petitioner on the post of Cook (Grade IV post).

Counsel for the petitioner referring to the letter dated 30.11.1984 of the Personnel and Administrative Reforms Department, submits that Compassionate Committee was competent to relax age criteria in favour of the petitioner. In view of the recommendation of the District Compassionate Committee taken note of in the Force Order dated 17.6.2016 issued by the Senior Superintendent of Police, the petitioner was entitled to be considered first for appointment on Grade III (Constable) and only if such post was not available, the authorities could have proceeded to appoint him on compassionate ground on Grade IV post.

From perusal of Annexure 4 (Force Order dated 17.6.2018), it is obvious that the petitioner has been deprived of consideration for appointment on grade III post on the ground that he is overage. In view of the specific recommendation of the District Compassionate Committee, the competent authority for relaxing age, the issue of age could not have been raised by the Senior Superintendent of Police to deny the petitioner's consideration for compassionate appointment on Grade III post



(Constable) subject to vacancy being available for the same.

The writ petition is, therefore, disposed of with a direction to respondent Senior Superintendent of Police (Respondent No. 6) to consider petitioner's claim for appointment on Grade III post (Constable) subject to availability of vacancy in terms of recommendation of the District Compassionate Committee dated 4.1.2016 and pass an appropriate order on the claim of the petitioner for appointment on grade III post without raising objection of his being overage.

The writ petition is disposed of. The Senior Superintendent of Police (Respondent No. 6) should take a final decision in the said claim within a period of three months from the date of receipt/production of a copy of this order.

(Madhuresh Prasad, J)

SNkumar/-

U			
---	--	--	--

