

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 5083 of 2016

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Shahid Ahmad, son of Late Nisar Ahmad, Resident of Mohalla - Bakarganj,
Bajaja Gali, P.S.- Pirbahore, District- Patna

... .. Petitioner/s

Versus

1. The State Of Bihar through the Chief Secretary, Government of Bihar, Patna
2. The D.G. of Police, Bihar, Patna
3. The Commandant, B.M.P.- 5, Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr Ebrahim Kabir, Advocate
		Ms Shruti Sinha, Advocate
For the Respondent/s	:	Mr.Sc6- Manindra Kishore Singh

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date : 17-10-2019

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

2 The petitioner, subsequent upon death of his father in harness on 26.01.2010 as a Constable, has been recommended by the Compassionate Committee for appointment as a *Jalwahak* (Water Carrier) in the Bihar Military Police -5. Recommendation of the Compassionate Committee is dated 21.12.2012. Pursuant thereto, the petitioner has joined and has been working. About four years later, the recommendations of the Compassionate Committee, in the instant proceedings, have been challenged. Now the petitioner wants that he should be posted as Constable



instead of *Jalwakak* (Water Carrier) by submitting that he was qualified for the post of Constable.

3 The petitioner has availed the benefits of the proceedings of the Compassionate Committee dated 21.12.2012 without any objection. About four years later, the instant writ petition has been filed seeking a direction for appointment as a Constable. Even, in the instant writ proceedings, the Minutes of the Compassionate Committee dated 21.12.2012, by virtue of which he has obtained the appointment, has not been assailed. The Minutes of the Compassionate Committee make it apparent that all, who were Matriculate and whose case has been considered for compassionate appointment, has been appointed in the same Grade Pay of Rs 1,800/-, as has been done in favour of the petitioner. Submission of the petitioner that he has been discriminated against is also, therefore, not reflected from the proceedings of the Compassionate Committee. No departmental Rules, Schemes or any instructions have been brought on record that he has a right to be appointed as Constable on compassionate grounds.

4 This Court does not find any reason to interfere with the appointment offered to the petitioner or any occasion to give a direction for appointing him on a post of Constable instead of *Jalwahak* (Water Carrier).



- 5 No case for interference is made out.
- 6 Writ petition is dismissed.

(Madhuresh Prasad, J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
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