

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9294 of 2016

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Dhiraj Kumar Jha S/o late Daya Nand Jha Resident of Village- Champapur ,
P.S Paligaon, District Vaishali.

... .. Petitioner

Versus

1. The State Of Bihar
2. The Principal Secretary, Water Resources Department, Govt. of Bihar,
Irrigation Building , Patna.
3. The Director, Land Acquisition and Rehabilitation, Water Resources
Department, Govt. of Bihar, Irrigation Building, Patna
4. The District Magistrate, Saran at Chapra.
5. The Deputy Collector Establishment , Saran at Chapra.

... .. Respondents

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Appearance :

For the Petitioner/s	:	Mr.Bishnu Kant Dubey Mr. Sanjeev Kumar
For the Respondent/s	:	Mr. Nagendra Pd. Yadav, SC 23

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 23-01-2019 Heard learned Counsel for the petitioner and the
learned Counsel for the respondent State.

Rejection of petitioner's claim for appointment on
compassionate ground by meeting of the District Compassionate
Appointment Committee on 25.2.2016 is impugned in the
instant writ petition. The order of rejection is based on the
reason that father of the petitioner died in harness on 5.6.2008
while working in Special Land Acquisition Office under Gandak
project at Chapra, however the petitioner had submitted his
application on 24.1.2014.

Counsel for the petitioner submits that the reason
assigned are incorrect. In fact, within a year from death of his
father the petitioner had submitted his application on 25.07.2009
for consideration of his appointment on compassionate basis
wherein he submitted his educational qualification of being



Standard VIII pass.

Since the admitted position is that the petitioner being qualified for consideration had made his application within due time as per averments made in the counter affidavit filed by Respondent Nos. 2 and 3, the reasons assigned for rejecting his claim as being time barred are clearly unsustainable. Rejection of the petitioner's claim for compassionate appointment on 25.2.2016 is therefore quashed. The authority namely respondent No. 4 is directed to consider petitioner's claim without raising objection of the same being time barred and taking into consideration his earlier application dated 25.7.2009.

This Court would expect that since the claim is of compassionate appointment, the consideration should be without any further unnecessary delay and if there is no other impediment his consideration should be done in the next meeting of the District Compassionate Appointment Committee preferably within a period of three months from the date of receipt/production of a copy of this order.

The writ petition is allowed to the extent indicated above.

(Madhuresh Prasad, J)

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