

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17333 of 2019

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Samdhar Sao S/o Late Mundrika Prasad Resident of Village- Kachnawa, P.S.-
Belaganj, District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Principal Secretary, Health Department,
Govt. off Bihar, Patna.
2. The Civil Surgeon Officer-cum-Chief Medical Officer Sadar Hospital Gaya,
District- Gaya.
3. The District Magistrate (Collector) Gaya, District- Gaya.
4. The Superintendent of Police Gaya.
5. The Circle officer Belaganj Block, District- Gaya.
6. The Headmaster Ramcharan Singh High School, Ibrahimpur, Sribigha,
Jehanabad, District- Jehanabad.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ajay Kumar Sinha
For the Respondent/s : Mr.Ajay Bihari Sinha (GA-8)

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 18-10-2019 The petitioner is seeking quashing of an order dated 24.01.2019, whereby his application seeking appointment on compassionate ground has been rejected by the Civil Surgeon-cum-Chief Medical Officer, Gaya on the ground that he was not having the minimum eligibility qualification for appointment against a Class IV post.

2. I have carefully perused the impugned order dated 24.01.2019 from which it transpires that there was a meeting of the District Compassionate Appointment Committee held on



09.01.2015 when the petitioner's case for appointment on compassionate ground was considered. Since he was not having the requisite qualification, his request for appointment on compassionate ground was turned down and the petitioner was communicated also in this regard. It is the petitioner's case that now he has acquired the qualification of *Madhyama*, which is equivalent to 10th pass, which is the requisite qualification for appointment against Class IV post.

3. Learned counsel for the petitioner has submitted that the petitioner had appeared in 2017 itself for *Madhyama* examination but the result has been published in 2019. He contends that since the petitioner has now acquired the requisite qualification, his case for compassionate appointment cannot be rejected.

4. It is evident from the averments made in the writ application and the counter affidavit, which has been filed on behalf of the State of Bihar that the petitioner's application for compassionate appointment was considered in 2015 itself and it was rejected on the ground that he did not have the requisite qualification for appointment against Class IV post. It has also been stated in the counter affidavit that subsequently in the year 2018 also the petitioner's case was considered by the District



Compassionate Appointment Committee but, since he was not having the requisite qualification, his application was rejected by the Committee.

5. Considering the fact that since admittedly the petitioner was not having the minimum educational qualification when the date his case was being considered by the Compassionate Appointment Committee, I do not find any illegality in the decision to reject his claim for appointment on compassionate ground.

6. I do not find any reason to interfere with the order.

7. This application is, accordingly, dismissed.

(Chakradhari Sharan Singh, J)

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