

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3488 of 2018

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Guriya Devi wife of late Jitendra Paswan, resident of Chitkohra, Ambedkar Chouk, Post-Anishbad, PS-Gardanibagh, District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chairman, Nagar Vikash and Awaz Vibhag, Patna.
2. The Collector, Patna
3. The Commissioner, Patna Municipal Corporation, Patna
4. The Mayor, Patna Municipal Corporation, Patna
5. The Deputy Mayor, Patna Municipal Corporation, Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mira Kumari, Adv.
For the Respondent/s	:	Mr.S.P.Singh -GA 3
		Mr. Ghanshyam Sharma, AC to GA 3
		Mr. Prabhakar Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

12 07-08-2019

I.A. No. 1 of 2019

The aforesaid interlocutory application is allowed and it will be treated to a part of main writ application.

It is unfortunate that the Commissioner, Patna Municipal Corporation is not maintaining parity in the matter of compassionate appointment, as the present petitioner has been refused the appointment on the ground that her husband was working as Majdoor on daily wages, save and except making certain payment, but from the record it appears that one Bholamantri Devi, wife of Ramsurat has been granted the benefit of compassionate appointment, whose husband was also daily wager



but in the said letter (Annexure-1), it has been mentioned that the same will not be treated to be a precedent which does not stand to the reason, how letter of appointment would mention such stipulation, as such, stipulation has no meaning in the eye of law. The Commissioner cannot be allowed to refuse to grant the relief to the present petitioner when another lady has been given such benefit, in such circumstances, cannot be denied appointment on compassionate ground. The petitioner has been offered to work on daily wage basis, though she will be entitled to the salary at the rate of Rs.301/- per day whereas in compassionate appointment she will be entitled to higher salary including other facilities, such as, dearness allowance, leave encashment and other retiral benefit as available to other employees. The Municipal Commissioner, either may withdraw the appointment of Bholamantri Devi or the petitioner be given the same relief as that of Bholamantri Devi.

In such view of the matter, the order dated 02.03.2019 (Annexure-1) is nothing but an action of discrimination, is not sustainable, accordingly set aside, giving direction to the Municipal Commissioner to grant the same relief at par with Bholamantri Devi, wife of Ramsurat. The appointment should be given to the petitioner within a period of three weeks from



the date of receipt or production of a copy of this order.

With the above direction, this writ petition is disposed
of.

(Shivaji Pandey, J)

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