

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15841 of 2014

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Rakesh Kumar Son of Late Shekhar Prasad resident of Mohalla Shahpur
Pokhara Par, P.S. Aurangabad Town, District - Aurangabad Bihar.

... .. Petitioner

Versus

1. The State Of Bihar
2. The Principal Secretary, Rural Development Department, Government of Bihar, Patna.
3. The District Compassionate Committee, Aurangabad through the District Magistrate, Aurangabad.
4. The District Magistrate, Aurangabad.
5. The District Rural Development Agency, Aurangabad through Deput Development Commissioner-cum-Chief
6. The Sone Command Area Development Agency, Aurangabad.

... .. Respondents

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Appearance :

For the Petitioner	:	Mr. Amarendra Kumar Singh
For the Respondents	:	Mr. Raghwendra Kumar, SC-22
		Mr. Ravi Ranjan, AC to SC-22

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

3 10-08-2021 It has been pointed out that the order dated 09.08.2021 has inadvertently been uploaded on the *website* of this Court as order dated 10.08.2021.

Let steps be taken by the N.I.C. officials to recall the order from the *website* and the same be uploaded correctly.

It is an admitted fact that the petitioner's father was working as a Jeep Driver in the District Rural Development Agency, Aurangabad (DRDA), who died in harness on 24.01.2012. It is the petitioner's specific case that soon thereafter, on 07.02.2012 an application was filed seeking



appointment on compassionate basis. The application was rejected as communicated to the petitioner through letter No. 469 dated 29.03.2012 issued under the signature of the Deputy Development Commissioner-cum-Chief Executive Officer, District Rural Development Agency, Aurangabad, referring to letter dated 04.08.2008 issued by the Joint Secretary, Rural Development Department, Government of Bihar.

It appears that it was mentioned in the said communication that new guidelines dated 01.04.1999 were applicable in case of employment in DRDA under which there was total stay on any appointment. Further, in the said guideline, there was no provision for direct recruitment/appointment on compassionate basis.

Learned counsel appearing on behalf of the petitioner has drawn my attention to a Division Bench decision of this Court in case of ***Bimla Tiwary vs. The State of Bihar and Others***, reported in **2012(1) PLJR 587**, wherein the Division Bench had rejected the plea that scheme of the State Government for compassionate appointment was not applicable for the employees under DRDA. My attention has also been drawn to a coordinate Bench decision of this Court dated 08.08.2017 passed in C.W.J.C. No. 67 of 2017 (***Chandan***



Kumar Vs. The State of Bihar and Others), wherein this Court, taking note of the observations made in case of ***Bimla Tiwary*** (supra), disposed of the matter in similar circumstance with direction to consider the case of the petitioner of that case for appointment on compassionate ground and take a final decision within a period of three months.

Considering the Division Bench decision in case of ***Bimla Tiwary*** (supra) and coordinate Bench decision in case of ***Chandan Kumar*** (supra), the order communicated through letter No. 469 dated 29.03.2012 is set aside.

Let the Deputy Development Commissioner-cum-Chief Executive Officer, DRDA, Aurangabad, consider the petitioner's case for compassionate appointment accordingly and take a decision within three months from the date of receipt/production of a copy of this order.

This writ application stands disposed of accordingly.

(Chakradhari Sharan Singh, J)

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