

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4817 of 2022

1. Aman Kumar, S/O Surendra Singh, Resident of - Darshan Tola, Sanjhauli, P.O and P.S. Sanjhauli, District- Rohtas, Bihar.
2. Ankit Anand, S/O Late Vinod Singh, Resident of - Village and Post - Karma, P.S. Suryapura, District- Rohtas, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The District Magistrate, Rohtas, Bihar.
3. The District Compassionate Committee, Rohtas through its Chairman, the District Magistrate, Rohtas, Bihar.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Gyan Shankar, Advocate
For the Respondent/s	:	Mr. Md.N. H. Khan, SC-1
		Mr. Md. Fazle Karim, AC to SC-1

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 11-08-2022 Heard learned counsel for the petitioners and learned counsel for the respondents.

It is not in dispute that the two petitioners herein are entitled to the benefit of compassionate appointment.

The petitioners have been recommended for appointment on compassionate grounds on Grade-D Post by the proceedings of the District Compassionate Appointment Committee dated 06.09.2021.

Learned Counsel for the petitioners submits that appointment letters have also been issued. The petitioners, however, are aggrieved by the fact that they have not been



considered for being offered compassionate appointment on post carrying grade pay of Rs.1900/-, having regard to the fact that they possess educational qualification higher than matriculation. Submission is with reference to specific instances of the higher grade pay of Rs.1900/- being granted to others by the same compassionate appointment committee.

This writ application has been filed claiming parity. The petitioners are aggrieved by the fact that they have been offered post carrying grade pay of Rs.1800/- whereas other similarly situated have been granted compassionate appointment on post having grade pay of Rs.1900/-.

The specific averments of the petitioners have not been controverted by the State Authority (Respondent No.2) although counter affidavit has been filed. There is no denial of the fact that the petitioners, based on their educational qualification, are entitled to be considered for compassionate appointment against the post carrying grade pay of Rs.1900/-. There is also no denial of the fact that others similarly situated have been granted the same.

The authorities have not disputed the claim of the petitioners and the policy of the State Government emanating from letter dated 25.04.2012 (Annexure-4) issued by the State



Government in the General Administration Department which contemplates grant of compassionate appointment to a post carrying grade pay of Rs.1900/- subject to fulfilment of conditions in terms of the said communication; as well as the letter dated 24.08.2016 bearing no. 11462 (Annexure-05).

In view thereof, this Court would direct the authorities to reconsider the petitioners' claim for being granted the appointment on a post carrying grade pay of Rs.1900/-, subject to the conditions contained in the above noted policy decision/s expeditiously and without any delay, preferably within three months from the date of receipt/production of a copy of this order.

Writ application is allowed with the aforesaid directions.

shashank/M.E.H.-

(Madhuresh Prasad, J)

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