

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10701 of 2020

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Santosh Kumar S/o Late Paras Singh R/o Village- Mahanandpur, P.S.- Akbarpur, Distt- Nawada.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Health Department, Government of Bihar, Patna.
2. The Civil Surgeon cum Chief Medical Officer, Nawada.
3. The Commissioner, Magadh Division, Gaya.
4. The Collector cum Chairman District Compassionate Committee, Nawada.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Jai Prakash Verma, Advocate
For the Respondent/s : Mr. Binod Kumar Yadav, SC 18

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL JUDGMENT

Date : 12-04-2022

Heard learned counsel for respective parties.

In the instant petition, petitioner has prayed for the following reliefs:-

“For issuance of an appropriate writ/writs, order/orders, and direction/directions, in the nature of certiorari for quashing of aggrieved portion of order passed by the Collector, Nawada (Respondent no.4 herein) so far it relates to petitioner is concerned, whereby and where under claim of the petitioner for appointment on compassionate ground in place of his father has been rejected by the District Compassionate committee presided in chairmanship of the Collector dated 23.12.2019 on the ground that at the time of application itself i.e. before date of death of father of the petitioner, the petitioner had cross the upper age limit of appointment as prescribed by the



state government. Further a writ in the nature of mandamus may issue commanding and directing to the respondent authority to relax the age limit for appointment of the petitioner on compassionate ground and consider his case afresh for his appointment on compassionate ground on Class iv post in place of his father who died in harness on 22.1.2017 during his service period while posted as Dresser in Primary Health Centre, Akbarpur, Nawada leaving behind two sons namely Santosh Kumar (petitioner herein), Narendra Kumar and two married daughter namely Smt. Pinki Kumari and Rinki Kumari and for the other necessary relief/reliefs for which the petitioner is entitled to in accordance with law.”

Question for consideration is whether the petitioner is entitled to be appointed on compassionate ground or not?

Learned counsel for the petitioner is relying on Annexure-9 order passed in CWJC No. 9947 of 2020 dated 24.01.2022 in the case of **Pravin Kumar vs. The State of Bihar & Ors.**

Learned State counsel has not disputed that the petitioner's case is not similar to that of Pravin Kumar's case.

In the light of the aforesaid submissions, the present petition stands disposed off in terms of the judgment dated 24.01.2022 passed in CWJC No. 9947 of 2020 (Pravin Kumar vs. The State of Bihar & Ors.).



The concerned authority is hereby directed to examine the petitioner’s eligibility for appointment on compassionate ground within a period of two months from the date of receipt of this order.

(P. B. Bajanthri, J)

Vikash/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	
Transmission Date	N/A

