

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.136 of 2017

Rajesh Kumar Thakur son of Late Binod Kumar Thakur, resident of Village P.O.- Shasan, Police Station- Hasanpur, District- Samastipur.

... .. Petitioner

Versus

1. Veer Kunwar Singh University, Ara at Ara.
2. Vice Chancellor, Veer Kunwar Singh University, Ara at Ara.
3. Registrar, Veer Kunwar Singh University, Ara at Ara.
4. Director, Higher Education, Govt. of Bihar, Patna.

... .. Respondents

Appearance :

For the Petitioner	:	Mr. Rajendra Narayan, Sr. Advocate Mr. Ashok Kumar Singh, Advocate Mr. Brajesh Tiwary, Advocate
For the State	:	Ms. Abhanjalli, AC to GA-12 Mr. Apurva Kumar, AC to GA-12
For the University	:	Mr. Rajesh Prasad Choudhary, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

9 28-08-2023 Heard Mr. Rajendra Narayan, learned senior counsel assisted by Mr. Ashok Kumar Singh, learned counsel for the petitioner and Mr. Rajesh Prasad Choudhary, learned counsel for the Veer Kunwar Singh University (hereinafter referred to as the 'University') and its authorities as also learned counsel for the State.

2. The petitioner in the present case is seeking quashing of the notification as contained in Memo No. 1050/Estab/13 dated 30.07.2013 by which the appointment of the petitioner on the compassionate ground has been found illegal and contrary to the guidelines, hence, the notification bearing no. 429/Estab/13 dated 01.06.2013 in respect of the petitioner



has been cancelled.

3. Learned senior counsel for the petitioner submits that by the office order dated 01.06.2013 (Annexure '2/A'), the petitioner was appointed on compassionate ground against the post of Lower Division Clerk in HD Jain College, Ara. It is his submission that when the petitioner went there to join the college, it was found that his appointment had already been cancelled.

4. It is further submitted that during the intervening period, certain developments took place and even the appointment of the deceased father of the petitioner came to be questioned along with 128 other employees of different colleges falling under Veer Kunwar Singh University. There were some other disputes which went to the Hon'ble Supreme Court in SLP (C) No. 12409 of 2013.

5. Learned senior counsel submits that not only the Special Leave Petition pending before the supreme court stands disposed of but even the controversy with regard to the appointment of the deceased father of the petitioner has come to an end by virtue of an adjudication in CWJC No. 12657 of 2017 and other analogous matters by the learned Writ Court, judgment of which has been affirmed by the Hon'ble Division



Bench in LPA No. 1467 of 2019 and LPA No. 55 of 2020 and other analogous cases.

6. Mr. Rajesh Prasad Choudhary, learned counsel for the University does not dispute the aforementioned contention rather it is admitted at the Bar that now the issue of appointment of the father of the petitioner has been settled and the controversy which was pending before the Hon'ble Supreme Court in SLP (C) No. 12409 of 2013 has come to an end without having any ramification upon the appointment of the petitioner on compassionate ground.

7. Learned counsel for the University submits that the LPAs arising out of the judgment of the learned Writ Court in CWJC No. 12657 of 2017 and other analogous cases have, though, been dismissed but he is not aware whether the University or the State has taken up that issue before the Hon'ble Supreme Court.

8. Learned senior counsel for the petitioner submits that the judgment of the Hon'ble Division Bench has attained finality as the same has not been challenged before the Hon'ble Supreme Court.

9. Be that as it may, one thing which is in common and jointly submitted by learned counsel for the parties is that



this writ application may be disposed of with a direction to the competent authority of the University to take a fresh decision keeping in view the developments which have taken place so far and such decision may be taken keeping in view that the University Compassionate Appointment Committee had earlier not only recommended the case of the petitioner for appointment but even the appointment order has been issued in respect of him and for all these years, he has not been allowed to join only because of the pending litigations.

10. In the aforesaid view of the matter, this Court sets aside the impugned order and directs the competent authority of the University to examine the case of the petitioner and take an appropriate view of the matter regarding his appointment on compassionate ground keeping in view the judicial pronouncements which may be applicable and on the records. Let such decision be taken within a period of two months from the date of receipt/ production of a copy of this order.

11. This writ application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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