

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Miscellaneous Jurisdiction Case No.2118 of 2021**  
**In**  
**Civil Writ Jurisdiction Case No.15841 of 2014**

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Rakesh Kumar, son of Late Shekhar Prasad, resident of Mohalla New Area,  
Aurangabad, P.O. Aurangabad P.S. Aurangabad Town, District Aurangabad  
(Bihar)

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Mr. Arvind Chaudhary, the Principal Secretary, Rural Development  
Department Government of Bihar, Patna
3. The District Compassionate Committee, Aurangabad through Sri Saurabh  
Jorawal, District Magistrate, Aurangabad
4. Mr. Saurabh Jorawal, the District Magistrate, Aurangabad.
5. The District Rural Development Agency, Aurangabad through Deputy  
Development Commissioner-Cum Chief Executive Officer District Rural  
Development Agency, Aurangabad namely Shri Anshul Kumar.

... .. Opposite Party/s

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**Appearance :**

|                            |   |                                                                                                   |
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| For the Petitioner/s       | : | Mr. Bindhyachal Singh, Sr. Advocate<br>Mr. Umesh Pathak, Advocate<br>Mr. Umakant Mishra, Advocate |
| For the Opposite Party/s : |   | Mr. Deepak Sahay Jamuar, AC to AAG-4                                                              |

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN  
SINGH**

ORAL ORDER

5      12-07-2023                      Following was the order passed by this Court dated  
10.08.2021 passed in CWJC No. 15841 of 2014:-

*“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”*

It is the stand of the opposite parties that a decision  
has already been taken by the competent authority



recommending petitioner's appointment on compassionate basis on 07.07.2023.

Learned senior counsel appearing on behalf of the petitioner has submitted that despite the fact that a decision has been taken nearly two years after passing of the said order dated 10.08.2021 in petitioner's favour, he has not been so far appointed.

Considering the nature of the order which was passed by this Court requiring the opposite parties to take a decision and the subsequent development that the decision has already been taken, in my opinion, no case of deliberate disobedience of this Court's order is made out.

The contempt proceeding is accordingly dropped.

It is, however, observed that once the opposite parties have taken a decision to appoint the petitioner on compassionate ground two years after the order of this Court was passed, they would be well advised to act upon the decision for appointment of the petitioner on compassionate ground within a reasonable period.

**(Chakradhari Sharan Singh, J)**

Rajesh/Suraj/-

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