

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5024 of 2020

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Bir Bahadur Ram Son of Jagdish Ram Resident of Mohalla- Kalkatiya Pul,
P.S.- Dehri, District- Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Secretary, Department of Energy, Bihar, Patna.
2. The Managing Director Bihar State Hydroelectric Power Corporation Limited, Sone Bhawan, Beerchand Patel Road, Patna.
3. The Engineer -in- Chief (Middle) Department of Water Resources, Sichai Bhawan, Old Secretariat, Bihar, Patna.
4. The Chief Engineer (Civil) Dehri-On- Sone, P.O. and P.S.- Dehri-On-Sone, District- Rohtas, Bihar.
5. The Superintending Engineer (Civil) Sone Canal Hydroelectric Project, Dehri-On- Sone, P.O. and P.S.- Dehri-On-Sone, District- Rohtas.
6. The Executive Engineer (Civil) Sone Canal Hydroelectric Project, Dehri-On- Sone, P.O. and P.S.- Dehri-On-Sone, District- Rohtas.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Surendra Kumar Mishra, Adv.
	:	Mr. Shashi Kant, Adv.
For the State/s	:	Mrs. Mala Ambusta, Adv.
For the Respondent No.3 to 6	:	Mr. Mirtunjay Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

6 04-07-2024 Heard learned counsel for the petitioner and learned
counsel for the State.

2. The present writ petition has been filed for quashing the order dated 02.05.2019 vide Memo No.377, passed by Managing Director, Bihar State Hydroelectric Power Project as contained in Annexure-5 by which the claim of the petitioner has been rejected in prescribed format dated 15.04.2016 submitted before Project Incharge, Dehri vide letter No.36 dated



15.04.2016 send to Head Quarter of Corporation.

3. Counsel for the petitioner submits that the mother of the petitioner was serving as *Khalasi* with the Bihar State Hydraulic Power Corporation and was posted under the Executive Engineer Civil, Dehri-on-Sone, District- Rohtas.

4. Counsel further submits that the petitioner's mother died in harness on 21.06.2014. After death of petitioner's mother, the petitioner and his family members have received retiral benefits and also getting family pension. He submits that the petitioner has filed his application for compassionate appointment on 4th Grade. He submits that the petitioner has earlier filed C.W.J.C. No.6696 of 2016 before this Hon'ble Court and this Hon'ble Court has pleased to direct to consider the claim of the petitioner for compassionate appointment within three months.

5. Counsel further submits that the petitioner has submitted his representation, but his representation was rejected in disobedience of this Hon'ble Court's order. He further submits that the petitioner has also filed MJC No.704 of 2019 which was disposed off with liberty to avail remedy. He submits that the claim of the petitioner has been rejected.

6. Counsel for the Bihar State Hydraulic Power



Corporation Ltd. submits that the petitioner has earlier moved before this Hon'ble Court and this Court has directed the Managing Director for fresh consideration of the claim of the petitioner for compassionate appointment and disposed off the same in accordance with law, within a period of three months from the date of production of the order.

7. Counsel further submits that upon considering the representation, his claim has been rejected, thereafter the petitioner has moved before this Hon'ble Court.

8. Counsel for the State has filed counter-affidavit in which it has been categorically mentioned that since 2012, rule has come according to which the basic minimum criteria for appointment in Class IV is matriculation. He submits that the mother of the petitioner died in 2014 whereas criteria has already been changed about educational qualification eligibility criteria since 2012 itself. He also submits that the petitioner does not possess the said qualification. Therefore, his claim could not be considered.

9. Counsel further submits that due to financial position of the Corporation, it has been decided in policy level that the compassionate appointment may not be made till upgradation of the financial position.



10. Counsel further submits that the petitioner has attached a certificate which is not certificate of even matriculation. He has attached a transfer certificate in which it is indicated that he was reading in Class-8.

11. As such, this Court is of the view that the petitioner has no case, and hence, the present writ application stands dismissed.

(Dr. Anshuman, J.)

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