

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6090 of 2023

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Guria Kumari wife of Late Kumar Vinay Shanker, D/o Late Kirshnandan Sharma, resident of Village and Post Office - Sabalpur Babhan Toli, Police Station - Sonapur, District - Saran at Chapra.

... .. Petitioner/s

Versus

1. The State of Bihar through the District Magistrate, Vaishali.
2. The Civil Surgeon-cum-Chief Medical Officer, Vaishali.
3. The Incharge Medical Officer, Primary Health Centre, Patlepur, District - Vaishali.
4. The District Compassionate Appointment Committee, Vaishali through District Magistrate, Vaishali.
5. The Deputy Collector, Establishment, Vaishali.
6. The D.D.C., Vaishali.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Md. Shamimul Hoda, Advocate
For the Respondent/s : Mr. Rajeshwar Singh (GA 10)

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 26-11-2024 Heard Mr. Md. Shamimul Hoda, learned counsel appearing on behalf of the petitioner and Mr. Rajeshwar Singh, learned GA-10 for the respondents.

2. Learned counsel appearing on behalf of the petitioner submits that the petitioner was communicated the decision of the District Compassionate Committee held on 30.11.2022, which has recommended for rejection of the application of the petitioner for being considered to be appointed on the compassionate ground, however, no decision based on the recommendation of the District Compassionate



Committee has been taken by the competent authority or by the appointing authority. In this background, learned counsel submits that a conscious decision must be taken by the appointing authority, who in the case of the petitioner, is the Civil Surgeon-cum-Chief Medical Officer, Vaishali.

3. *Per contra*, learned counsel appearing on behalf of the State submitted that they have filed a detailed counter-affidavit and there is no requirement of any formal order to be communicated to the petitioner passed by the competent as the practice is not prevalent.

4. Considering the rival submissions made on behalf of the parties, I find that a conscious decision must be taken by the competent authority/appointing authority after considering the application of the petitioner, as well as, the decision of the District Compassionate Committee expeditiously, in accordance with law.

5. With aforesaid observations/directions, the present writ petition is disposed of.

(Purnendu Singh, J)

Niraj/-

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