

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11442 of 2024

=====

Rakesh Roushan Verma Son of Late Uday Verma, Resident of Village and
P.O.- Shaistabad, P.S.- Okri, District- Jehanabad.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Department of Health, Government of Bihar, Vikas Bhawan, Bailey Road, Patna.
2. The Additional Chief Secretary Department of Health, Government of Bihar, Vikas Bhawan, Bailey Road, Patna.
3. The Divisional Commissioner, Magadh Division, Gaya.
4. The District Compassionate Appointment Committee, Gaya through the District Magistrate its Chairman.
5. The District Magistrate, Gaya.
6. The Civil Surgeon-cum-Chief Medical Officer, Gaya.
7. The In-Charge Medical Officer, Primary Health Centre, Dumariya, District- Gaya.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Bipin Bihari Singh, Advocate
For the Respondent/s : Standing Counsel 11

=====

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 05-08-2024 Heard learned counsel for the petitioner and learned
counsel for the State.

2. The petitioner has filed the present writ petition to set aside the decision of the District Compassionate Appointment Committee, Gaya, communicated vide Memo No. 02 dated 10.01.2024, dismissing the candidature of the present petitioner for compassionate ground without considering the merit.



3. Learned counsel for the petitioner submits that the mother of the petitioner was posted and working as A.N.M. at Primary Health Centre, Dumariya, Gaya, who died on 06.12.2000 during service period, living behind the petitioner as her sole representative and legal heir. Counsel submits that the father of the petitioner was pre-deceased his mother. He submits that the petitioner has passed matriculation examination in the year 2024 from Bihar School Examination Board. Counsel submits that after obtaining eligibility criteria being son of deceased employee had persuaded his claim for compassionate appointment in the year 2005. Counsel further submits that the respondent authorities have kept his claim pending for long time and subsequently vide Memo No. 901 dated 31.05.2010, he was informed that his claim was rejected by District Compassionate Appointment Committee on 13.08.2007. Thereafter, the petitioner had moved before this Hon'ble Court in CWJC No. 3240 of 2018, which is Annexure 6, in which liberty was granted to the petitioner to approach the appropriate authority. Thereafter, the petitioner had approached before the appropriate authority and the final order was passed on 10.01.2024, rejecting the claim of the petitioner on the ground that 23 years has been elapsed.



4. Counsel submits that the delay has not been caused due to the petitioner rather the delay has been caused at the level of the respondents only. Therefore, a sympathetic view may be taken into consideration.

5. Learned Counsel for the State submits that the earlier claim of the petitioner was rejected in the year 2010 and thereafter, writ petition was filed after eight years in the year 2018.

6. In response thereof, learned counsel for the petitioner, after some argument, submits that he may be given liberty to approach the appropriate authority.

7. It transpires from the order dated 19.09.2023 passed in CWJC No.3240 of 2018 that the Court had not inclined to grant any relief to the petitioner and only thereafter, the petitioner had sought the liberty to approach before the appropriate authority and with this direction the writ petition was disposed off. His representation was again rejected vide Memo No. 2 Gaya, dated 10.01.2024, which has been challenged in this writ petition.

8. Upon hearing the parties and perusal of the record, it transpires to this Court that the mother of the petitioner died in the year 2000 and now 2024 is going on. The delay, if any, has



been made by the petitioner himself as in the petition he claimed that he has passed matriculation in the year 2004, but even then, he filed the writ petition for the first time before this Hon’ble Court in the year 2018, but on the request of the learned counsel it was disposed off with liberty to approach the appropriate authority and appropriate authority shall pass reasoned and speaking order. This Court feels that there is no need of any interference in the writ petition. Accordingly, this writ petition is dismissed.

(Dr. Anshuman, J.)

Mkr./Aman/-

U			
---	--	--	--

