

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16842 of 2019

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Santosh Kumar yadav Son of late Permanand Chaudhary, Resident of Village-
Chaumukha, P.O. Nainpura, P.S. Pachrukhi, District- Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar through the Director General of Police, Bihar.
2. The Divisional Inspector General of Police, Saran Division, Chapra.
3. The Superintendent of Police, Siwan.
4. The District Compassionate Appointment Committee through its Chairman,
The District Magistrate, Siwan.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Bipin Bihari Singh, Adv.
For the Respondent/s : Mr. Md. Nadim Seraj (GP-5)

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

4 15-04-2024 Heard learned counsel for the petitioner and learned
counsel for the State.

2. The present writ petition has been filed for assailing
the validity and correctness of the order contained in Memo
No.4517 dated 23.11.2018 (annexed as Annexure-4) issued by
Superintendent of Police, Siwan and further prayer has also
been made by directing the respondent to make the
compassionate appointment of the petitioner within reasonable
time.

3. Learned counsel for the petitioner submits that the
father of the petitioner died in harness on 14.07.2016 while
working as Jamadar posted in Police Line, Siwan. Counsel



further submits that in the light of the resolution of the Department of Personnel and Administrative Reform, Government of Bihar, the petitioner has filed application for his compassionate appointment being the heirs and legal representatives of the deceased employee. Counsel submits that the case of the petitioner has been rejected by the respondent authorities on the ground that the petitioner has passed the Praveshika examination from Hindi Vidyapeeth, Deoghar in 2004 and consequently *vide* letter No. 3267 dated 08.04.2016, the said degree has not been recognized by the State of Bihar and as such, the Superintendent of Police, Siwan *vide* its letter contained in Memo No. 4517 dated 23.11.2018 has rejected the case of the petitioner to be considered on compassionate appointment.

4. Learned counsel for the petitioner submits that there is one judgment which is very much relevant in the case of the present petitioner decided by the Hon'ble Full Bench in case of ***Ramashankar Patel & Ors. Vs. The State of Bihar & Ors. in Civil Writ Jurisdiction Case No. 11255 of 2016*** with case of ***Surendra Kumar Hansda Vs. The State of Bihar & Ors. in Civil Writ Jurisdiction Case No. 3828 of 2015*** dated **22.08.2019**. It has been decided in paragraph no.46 of the said



judgment that the promotion granted and degree obtained prior to 07.05.2012 and the appointment/promotion granted between 07.05.2012 and 08.04.2016 have been saved. And in this view of the matter, Hon'ble Full Bench of this Court has granted relief to the petitioners of the said case.

5. Learned counsel for the petitioner further submits that here in the present case, the petitioner has obtained his degree in the year 2004 prior to 2016 and therefore, his case ought to be considered and may not be rejected.

6. Learned counsel for the State on the other hand submits that the degree may be obtained in the 2004 but the appointment could not be made and prior to appointment, the recognition of the said degree was not made by the State Government with effect from 08.04.2016 and therefore, Annexure-A has been issued to the petitioner.

7. It transpires to this Court that at the time of passing the order contained in letter No.4201 dated 06.09.2019 (annexed as Annexure-A of the counter affidavit), the said decision of the Hon'ble Full Bench has not been placed before the authority. As such, this Court hereby directs the petitioner to file a fresh representation before the authority in the light of the observation made by the Hon'ble Full Bench of this Court and upon



receiving the representation within four weeks, the authority shall reconsider the case of the petitioner in the light of the observation made by the Hon'ble Full Bench within 90 days with a reasoned and speaking order.

8. Accordingly, with the aforesaid observations and directions, this writ petition is hereby disposed off and order contained in letter No.4201 dated 06.09.2019 (annexed as Annexure-A of the counter affidavit) by which the compassionate appointment of the petitioner has been rejected is hereby set aside.

(Dr. Anshuman, J.)

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