

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12708 of 2024

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Hemant Kumar Son of Late Ram Kishun Mahto, Mothers name Late Usha Devi Resident of Village- Dhanuki More, Gulzarbagh, Police Station- Alamganj, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through Additional Chief Secretary, Health Department, Government of Bihar, Patna.
2. The Director, Health Department, Government of Bihar, Patna.
3. The Bihar State Pharmacy Council, Patna through its Registrar, B.M. Das Road, Patna, Bihar.
4. The President, Bihar State Pharmacy Council, B.M. Das Road, Patna.
5. The Registrar, Bihar State Pharmacy Council, B.M. Das Road, Patna, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Binod Kumar Sinha, Advocate
For the Pharmacy/s : Mr.Uday Chand Prasad, Advocate

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 29-08-2024 Heard Mr. Binod Kumar Sinha, learned counsel appearing on behalf of the petitioner and Mr. Uday Chand Prasad, learned counsel for the Bihar State Pharmacy Council.

2. The petitioner in paragraph no. 1 of the present writ petition has sought *inter alia* following relief(s), which is reproduced hereinafter:- : -

“That this application is being filed for issuance of writ in the nature of mandamus commanding the respondents to make appointment of petitioner on compassionate ground on Class IV post as his mother died during service period.”

3. Learned counsel appearing on behalf of the petitioner submitted that the mother of the petitioner was



appointed on 09.02.2001 on substantive post of Peon in the scale of Rs.2610-3540 and she died in harness on 30.10.2023 and thereafter, the petitioner applied for being considered to be appointed on compassionate ground on 27.12.2023 considering the bad financial condition faced by him, as a result of the sole bread earner of the family having died.

4. Learned counsel further submitted that the petitioner in paragraph no.11 of the writ petition has given information that the deceased employee has one daughter as well. He further submitted that in the interest of family, the Registrar of the Bihar State Pharmacy Council must consider the claim of the petitioner for appointment in accordance with the Circular of the State Government and the law laid down by the Apex Court.

5. Mr. Uday Chand Prasad, learned counsel for the Bihar State Pharmacy Council (hereinafter to be referred as the “Council”) admits that the delay has been caused due to the post of the Registrar, Bihar State Pharmacy Council being vacant at the time of application made by the petitioner. Now the Registrar of the University will consider in the light of order passed in CWJC No.587 of 2001. The grievance of the petitioner will be redressed soon.



6. Having considered the rival submissions made on behalf of the parties, as well as, the information given by the learned counsel appearing on behalf of the Bihar State Pharmacy Council, I direct the Registrar of the Bihar State Pharmacy Council to consider the grievance of the petitioner for being appointed on compassionate ground expeditiously so that the very object of compassionate appointment can not be frustrated due to any delay caused by the Council.

7. With the above observation/direction, the present writ petition stands disposed of.

(Purnendu Singh, J)

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