

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12103 of 2019

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Md. Intekhab Alam, Son of Abdul Wahab Ansari, Residing at Sobrati Momin Lane, Near Masjid, Bari Khanjarpur, P.S.-Jagdishpur, District-Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, General and Administrative department, Govt of Bihar, Patna.
2. The Principal Secretary, General Administrative Department, Govt. of Bihar, Patna.
3. The District Magistrate-Cum-Chairman, District Compassionate Committee, Saharsa, District-Saharsa.
4. The Engineer-in-Chief, Building Construction Department, Govt. of Bihar, Patna.
5. The Superintending Engineer, Building Circle, Bhagalpur, District-Bhagalpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Dhananjay Kumar Gupta
For the Respondent/s	:	Mr. Md. Nadim Seraj, GP-5
		Ms. Shalini, AC to GP-5

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 25-06-2025

Re : Interlocutory Application No. 01 of 2022

Heard the parties.

2. In view of the averments made in the Interlocutory Application No. 01 of 2022, the respondent no. 3, The District Magistrate-Cum-Chairman, District Compassionate Committee, Saharsa, District-Saharsa be read as The District Magistrate-Cum-Chairman, District Compassionate Committee, Bhagalpur, District-Bhagalpur.

3. The Interlocutory Application No. 01 of 2022



stands allowed.

4. The petitioner has preferred the present writ petition seeking a direction upon the respondents to consider his case like other identically situated persons as has been done vide order dated 11.02.2017 by which the concerned respondents have changed the cadre of their services from 4th Grade to 3rd Grade as Office Peon to Lower Division Clerk post with effect from the date of their joining, in the light of the letter no. 88082 dated 05.06.2015, the copy of which is marked as Annexure 4 to the writ petition. It is contended that the holding of any written test for extending the benefit of compassionate appointment against Class 3 post, is wholly arbitrary and illegal and the same has repealed.

5. Referring to the gamut of the facts it is contended that admittedly the claim of the petitioner was considered for appointment on compassionate ground on 28.05.2010 and the District Compassionate Appointment Committee has recommended for his appointment on Class 3 post. However, despite the recommendation, the District Magistrate has directed for a written test contrary to all the rules and regulation and appointed the petitioner on Class 4 post, however, the aforesaid decision has been reviewed by the concerned District Magistrate



and some of the identically situated persons, whose cases were initially recommended against Class 3 post, but on account of they being not qualified in the examination, they were appointed against Class 4 post. But later on, the District Magistrate revisited in the matter and their cases were reconsidered and they have been appointed against the next higher grade.

6. A counter affidavit has been filed on behalf of respondent nos. 4 and 5. Though it has been admitted that holding of the examination has declared bad in the year 2012, but since the claim of the petitioner was considered in the year 2010 itself and he failed in the examination, therefore that declaration cannot apply retrospectively.

7. This Court is afraid to accept such submission. Considering the fact that identically situated persons whose names were recommended for appointment to Class 3 post, but as they did not get through the written examination appointed against Class 4 post. However, subsequently their cases were considered afresh in the light of the letter No. 88089 dated 05.06.2015 and adjusted against class 3 posts, hence the case of the petitioner also deserves to be considered in the light of said letter. For the said purpose the petitioner shall file a representation before the respondent no. 3. the District



Magistrate-cum-Chairman, District Compassionate Committee,
Bhagalpur preferably within a period of four weeks' from today.

8. In case such a representation is filed, the same shall
be considered and disposed off by a reasoned and speaking
order in accordance with law, preferably within a further period
of twelve weeks in view of the observations made herinabove.

(Harish Kumar, J)

supratim/-

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