

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.841 of 2023
In
Civil Writ Jurisdiction Case No.9957 of 2017

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1. Binod Kumar Mishra Son of Late Damodar Mishra, Resident of Village- Chaksirai, Post and P.S.- Ujiyarpur, District- Samastipur.
 2. Shivam Kanhaiya Son of Late Sukhdeo Prasad, Resident of Keshari Cottage, Gandhi Nagar, Lane-1, Power House Road, P.O. and P.S.- Begusarai, District- Begusarai.
 3. Shashi Bhushan Lal Das Son of Late Kameshwar Lal Das, Resident of Village- Dilawarpur, Post- Milkichak, P.S.- Bahadurpur, via- Lakshminagar, District- Darbhanga.
 4. Nawal Kishor Jha Son of Late Arjun Jha, Resident of Village and Post- Dhanga, P.S. Arer, District- Madhubani.
 5. Pankaj Kumar Son of late Dharendra Kumar Sinha, Resident of Village- Majhvalia, Post- Chakra, P.S. Muffasil, District- Siwan.
 6. Satyendra Nath Tiwari Son of Late Laxmi Kant Tiwari, Resident of Gandak Colony No. 03, Post and P.S. Motihari, District Motihari.
 7. Rahul Kumar Son of Late Yogendra Choudhary, Resident of Village- S/13, Malahi Pakri, Post and P.S.- Kankarbagh, District- Patna.

... .. Appellant/s

Versus

1. The State of Bihar through the Principal Secretary, Finance Department, Bihar, Patna.
2. The Principal Secretary, Water Resources Department, Bihar, Patna.
3. The Principal Secretary, Building Construction Department, Bihar, Patna.
4. Chief Engineer, Flood Control and Drainage, Water Resources Department, Samastipur.
5. Chief Engineer, Central Design Organization, Water Resources Department, Patna.
6. Chief Engineer, Flood Control and Drainage, Water Resources Department, Muzaffarpur.
7. Chief Engineer, Flood Control and Drainage, Water Resources Department, Gopalganj.
8. Chief Engineer, Building Construction Department, North Bihar, Upbhad, Bihar, Patna.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Narendra Kumar, Adv
For the Respondent/s : Mr. Anjani Kumar, AAG-4



**CORAM: HONOURABLE THE ACTING CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER**

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

4 16-09-2025 The appellants have assailed the impugned order dated 17.05.2023 passed in CWJC No. 6277 of 2020.

2. Core issue involved in the present *lis* is whether the appellants are entitled to appointment on compassionate ground to the post of Accounts Clerk or Junior Accounts Clerk. The appellants have been appointed as a Junior Accounts Clerk during the period from 28.09.1999 to 20.12.2000. On the other hand, their grievance is that they were entitled to the post of Accounts Clerk. Firstly, the appellants have not assailed the order of appointment dated 12.11.1999 to the post of Junior Accounts Clerk with protest or condition to the extent that after joining the post of Junior Accounts Clerk could have challenged the same. On the other hand, having accepted the order of appointment to the post of Junior Accounts Clerk. They cannot contend that it is to be ignored.

3. That apart compassionate appointment would not provide any right to a particular post. It is social legislation of the State, therefore, compassionate appointment would depend upon the availability of post. As on 12.11.1999 the appellants



were accommodated against the post of Junior Accounts Clerk. Therefore, the appellants are not entitled to the post of Accounts Clerk for merely asking for such post, accordingly, we do not interfere with the order of the learned Single Judge dated 17.05.2023 passed in CWJC No. 6277 of 2020.

4. LPA is dismissed.

5. Pending interlocutory application(s), if any, stands disposed of.

(P. B. Bajanthri, ACJ)

(Alok Kumar Sinha, J)

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