

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23897 of 2019

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Chhatish Prasad, Son of late Chandrika Prasad, Resident of Village- Bagaura,
P.S. Daraunda, District- Siwan.

... .. Petitioner/s

Versus

1. The Principal Secretary, Department of Social Welfare, Govt. of Bihar , New Secretariat, Patna.
2. The Director, Department of Social Welfare, Govt. of Bihar, Old Secretariat, Patna.
3. The Collector Cum District Magistrate, Gopalganj.
4. The District Compassionate Committee, Gopalganj through the Collector, Gopalganj.
5. The Deputy Collector (Establishment), Gopalganj.
6. The District Programme Officer, Gopalganj.
7. The Child Development Officer, Manjhagarh, District- Gopalganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Uday Pratap Singh, Advocate
For the Respondent/s	:	Mr. Raisul Haque, SC- 10
		Mr. Ubaidullah, AC to SC-10
		Mr. Binay Kumar, AC to SC-10

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 02-07-2025

Heard Mr. Uday Pratap Singh, learned Advocate for the petitioner and Md. Ubaidullah, learned Advocate for the respondents.

2. The petitioner is aggrieved with the decision of the District Compassionate Appointment Committee dated 20.10.2016 to the extent it relates to the petitioner as the



communication under Memo no.49 dated 17.01.2017 whereby it has been informed that his application for appointment on Class-IV post came to be rejected considering his minimum qualification.

3. Learned Advocate for the petitioner referring to the impugned order has contended that admittedly the father of the petitioner died on 18.02.2014 and immediately thereafter the petitioner submitted his application and at that point of time he was having qualification of VIII pass. When the application of the petitioner was placed before the District Compassionate Appointment Committee, taking note of notification no. 16970 dated 12.12.2012, Bihar Group D (Employment and Service Condition) (Amended) Rule, 2012, which stipulates that for post of Group D minimum qualification should be matriculation pass, hence the claim of the petitioner came to be rejected. Confronting the aforementioned order of rejection, the petitioner appeared in Madhyama examination and secured the qualification of Madhyama in the year 2017 and submitted the certificate to the concerned authority for reconsideration. However, no action was taken hence the present writ petition.

4. Learned Advocate for the State refuting the contention has contended that admittedly the date on which the



claim of the petitioner for appointment on compassionate ground was considered by the District Compassionate Appointment Committee, the petitioner was only having qualification of VIII pass and in any circumstances he could not have been allowed appointment on compassionate ground, contrary to the notification no. 16970 dated 12.12.2012, which clearly prescribed the minimum qualification for appointment as matriculation. So far the contention of the petitioner that he secured the Madhyama qualification within five years would not help the petitioner in view of the fact that he submitted his further application for reconsideration beyond the prescribed period of limitation of five years. On both the grounds, the claim of the petitioner does not find merit.

5. Having considered the submissions set forth by the learned Advocate for the respective parties, this Court finds substance in the submission of the learned Advocate for the State. It is the admitted position that the petitioner has cleared his qualification of Madhyama after rejection of his claim by the District Compassionate Appointment Committee, moreover the application for reconsideration has also been filed beyond the period of five years. Hence, this Court does not find any reason or occasion to interfere in the impugned order.



6. The writ petition stands dismissed, having no merit.

(Harish Kumar, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	07.07.2025
Transmission Date	NA

