

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7496 of 2024

Manish Kumar Son of Late Ramayan Tiwari Resident of Ward No-06,
Uttarwari Pokhra, M.J.K Nagar, Bettiah, West Champaran, Bihar-845438

... .. Petitioner/s

Versus

1. The State of Bihar Through the Additional Chief Secretary, Water Resources Department, Government of Bihar, Patna.
2. The Chief Engineer, Water Resources Department, Purnea.
3. The Superintendent Engineer, Water Resources Department Drainage Division, Purnea.
4. The Executive Engineer, Water Drainage Division, Water Resources Department, Raghapur, Supaul.
5. The District Compassionate Appointment Committee, Supaul, through the Collector, Supaul.
6. The Collector-cum-Chairman, District Compassionate Appointment Committee, Supaul.
7. The Chief Engineer, Irrigation Creation, Water Resources Department, Motihari.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mrs. Namrata Mishra, Sr. Advocate Ms. Archana Jha, Advocate Ms. Anamika Kumari, Advocate
For the State	:	Mr. Anil Kr. Singh (GP-26)

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 20-01-2026 Heard learned Senior counsel Mrs. Namrata Mishra assisted by Ms. Archana Jha, Advocate for the petitioner and learned counsel Mr. Anil Kumar Singh (GP-26) for the Respondent-State.

2. The present writ petition has been filed for the following relief/s:-

“I. For direction to the Respondent authorities to appoint the petitioner on



compassionate ground on Class-III post commensurate with his educational qualification in place of Class-IV post (Treasury Guard) w.e.f. 31.10.2008 i.e. date of his initial appointment on Class-IV post.

II. For direction to the District Compassionate Appointment Committee, Supaul, to reconsider and recommend for the appointment of petitioner on Class-III post instead of Class-IV post commensurate with his educational qualification as has been done in other cases of compassionate appointment in Supaul District.

III. For grant of any other relief/reliefs to which petitioner may be found entitled in the facts and circumstances of the case. ”

3. Learned Senior counsel for the petitioner fairly submits that it is true that right of compassionate appointment has been exhausted as soon as the petitioner has accepted the joining on the post. Senior counsel also submits that there is a little bit delay in this case. But, the learned Senior counsel submits that a sympathetic view may be taken into consideration in such type of matters.

4. Learned counsel for the State on the other hand



submits that the appointment of petitioner on Class-IV post has been made in the year 2008 on which he has opted to join and in the year 2024 i.e. about lapse of 16 years, petitioner has moved before this Court claiming that he is entitled for acceptance of the joining on Class-III post. Counsel further submits that in case of *Union of India & Ors. Vs. N. Murugesan & Ors.* reported in *(2022) 2 SCC 25*, the Hon'ble Supreme Court has discarded such type of relief. And the Hon'ble Patna High Court also in such type of cases, has also categorically held that when a person on compassionate appointment accepts his joining on the said post, then the right to be appointed on compassionate ground has already been exhausted.

5. Here in the present case, after exhaustment of such right and after a gap of about 16 years, it shall not be appropriate for this Court to interfere in such type of matter. Hence, the present writ petition is hereby dismissed.

(Dr. Anshuman, J)

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