

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.768 of 2025

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Devendra Mishra Son of Late Radheshyam Mishra, Resident of Village-
Kurra, Post- Akorhi, P.S. Mohania, District- Kaimur (Bhabua).

... .. Petitioner/s

Versus

1. The State of Bihar through Additional Chief Secretary, General
Administration Department, Govt. of Bihar, Patna.
2. The Collector, Kaimur.
3. The Deputy Development Commissioner, Kaimur.
4. The Sub Divisional Officer, Bhabua, District- Kaimur.
5. The Executive Engineer, Public Health Engineering Department, Sasaram
Davision, Sasaram.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Garg, Advocate
For the Respondent/s : Mr. Government Pleader (26)

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL JUDGMENT

Date : 30-06-2026

Heard learned counsel for the petitioner and learned
counsel for the State.

2. Learned counsel for the petitioner submits that
the petitioner has filed the present writ petition for the following
reliefs:

*“(i). For issuance of an
appropriate writ, order including a writ of
mandamus directing the respondents authorities
to give effect to the recommendation of the
District Compassionate Committee of the
District Kaimur vide Memo No.1765/Stha. dated
26.09.2014 by rectify the order recommendation
of District compassionate committee dated
16.02.2017 by way of appointing the petitioner*



as Class-III Post in place of Class IV post as per recommendation dated 26.09.2014 because the maximums recommended 42 candidates of recommendation dated 26.09.2014 have been appointed as their recommended post except the petitioner and one another.

(ii). For issuance of an appropriate writ order or direction in the nature of mandamus directing the respondent authorities to adopt same and similar yard stick for appointment on compassionate ground on Class III post to the petitioner in place of Class IV post from the date of his initial joining as per the guidelines of the State Govt. but not open for their choice discriminately.

(iii). For grant of any relief(s) the petitioner would be found entitled to in the facts and circumstances of the case.”

3. Learned counsel for the petitioner submits that the petitioner was recommended by the District Compassionate Appointment Committee for appointment to a Class-III post. However, owing to the non-availability of a Class-III vacancy at the relevant point of time, he was offered appointment to a Class-IV post, which he accepted and joined. It is further submitted that since the recommendation of the Committee was for appointment to a Class-III post, the petitioner is entitled to be appointed against such post in terms of the original recommendation.

4. Learned counsel for the State submits that a counter affidavit has been filed wherein it has been specifically



stated that once the petitioner accepted appointment and joined the Class-IV post in exercise of his right to compassionate appointment, he cannot subsequently claim appointment to a Class-III post as a matter of right.

5. Having heard learned counsel for the parties and upon perusal of the materials available on record, this Court finds that it is an admitted position that the District Compassionate Appointment Committee had recommended the petitioner for appointment to a Class-III post. However, due to the non-availability of a vacancy in the said cadre at the relevant point of time, the petitioner voluntarily opted to accept appointment to a Class-IV post and accordingly joined the service. Once the petitioner exercised his option and accepted appointment on the Class-IV post, his claim for compassionate appointment stood fully satisfied. After availing the benefit of compassionate appointment, no vested or enforceable right survives in favour of the petitioner to seek conversion of his appointment from a Class-IV post to a Class-III post merely on the basis of the earlier recommendation of the Committee. Such a course is not contemplated in law. The petitioner may, however, become entitled to promotion to a higher post, if otherwise eligible, in accordance with the applicable service



rules and subject to the availability of promotional avenues.

6. Accordingly, the present writ petition is dismissed. However, it shall be open to the petitioner to submit a representation before the competent authority for consideration of his case for promotion, if otherwise eligible, in accordance with law. If such a representation is filed, the competent authority shall consider and dispose of the same in accordance with law.

(Dr. Anshuman, J)

Rakesh/Ashwini

AFR/NAFR	
CAV DATE	NA
Uploading Date	01/07/2026
Transmission Date	NA

