

Ambika Prasad

Vs

State of Bihar

Civil Miscellaneous Petition No. 16271 of 1989

(Rangath Misra, M. N. Vankatachaliah JJ)

09.05.1989

ORDER

1. On November 7, 1988, this Court made an order suggesting that a job could be provided to the petitioner anywhere in Bihar taking the special facts and circumstances placed before the court into consideration. The petitioner was informed on December 13, 1988, by the District Officer, West Champaran, that he is offered an appointment in a Class IV post in the pay scale of Rs. 350-425 and should join the post in the forenoon of December 20, 1988 on a total pay of Rs. 920. Instead of reporting to duty in terms of the said letter, the petitioner moved this Court again by filing a writ petition. On April 25, 1989, we directed that the Supreme Court Legal Aid Committee would nominate a counsel to represent the petitioner and the writ petition could be converted into civil miscellaneous petition and the relief claimed should be confined to what could be related to the direction made on November 7, 1988.

2. We have heard counsel and the petitioner was also present during the hearing. We were told that the petitioner had been running a small business earlier but when the place where he had located his business was acquired he was thrown out and was not able to rehabilitate himself. We also noticed a certain amount of hesitation in him to choose between the two options open to him - to accept employment offered by the West Champaran Collectorate or return to the profession of business.

3. Since this Court by its order dated November 7, 1988 had directed a job to be provided with a view to rehabilitating the petitioner and the members of his family and in response to the order made in the said proceeding employment in the manner indicated above had been offered, we would like the offer to be kept open till May 31, 1989 and the petitioner be permitted to join the same. In case the said job is no more available for the petitioner, as an alternate the petitioner may be provided financial assistance to the tune of Rs. 20,000 by the District Industries Officer of West Champaran to form the nucleus of his business at the lowest rate of interest admissible in the case of rehabilitative assistance extended by government. We were told that the petitioner's not in a position to furnish security; therefore, a bond from the petitioner should be considered as sufficient but the District Industries Officer may keep an eye for a reasonable period to ensure that the money is utilised as capital for the business with a view to rehabilitating the petitioner and the petitioner also should be required to repay the amount within a total period of five years. In case the petitioner is able to pick up and requires more financial assistance, we hope and trust that some branch of a nationalised bank operating in the area when approached would come forward to accommodate the petitioner on convenient terms.

4. This dispose of the civil miscellaneous petition. A copy of this order may be made available to the petitioner. The Registry is directed not to register any further application from the petitioner in

this connection.

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