

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4786 of 2014

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Manoj Kumar S/o Late Satya Narayan Kamat Ward No. 3, Nirmali, Post Office + Police Station Nirmali, District Supaul.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Department of Agriculture, Government of Bihar, Patna.
3. The Director, Department of Agriculture, Government of Bihar, Patna.
4. The Administrator, Bihar State Agriculture Marketing Board (Dissolved), Pant Bhawan, Patna.
5. The District Magistrate, Kisanganj.
6. The S.D.O.-cum-Special Officer, Agricultural Marketing Board (Dissolved), Thakurganj, District Kisanganj.
7. The Additional Collector-cum-Senior Officer, District Establishment Section, Kisanganj.
8. Kamal Kumar Kamat S/o Late Satya Narayan Kamat, resident of village + Post Office + Police Station Nirmali, District Supaul.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Md. Shamimul Hoda and Surya N. Yadav
For the Respondent/s : Mr. Anil Kumar Singh, AC to GA-10

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

7 15-01-2015 Heard learned counsel for the petitioner and learned counsel for the State.

In this case, the petitioner is challenging the compassionate appointment on the ground that he had looked after his ailing father and Kamal Kumar Kamat, respondent No. 8 who is son of 1st wife of late Satya Narayan Kamat had never looked after his father. It is the petitioner who had given all medical assistance while he was suffering from Cancer disease, so much so, he has further submitted that his father had shown his desire

that the petitioner should be appointed in his place though the authority started procedure for appointment of the petitioner but ultimately and illegally appointed Sri Kamal Kumar Kamat.

It is not in dispute that the petitioner is son of 2nd wife of late Satya Narayan Kamat and it is also a fact that late Satya Narayan Kamat entered into 2nd marriage without permission of the Controlling Authority though late Satya Narayan Kamat has shown 2nd wife as nominee of his retiral dues.

The Government employee cannot enter into 2nd marriage without permission of the Controlling Authority and that too, a person who entered into 2nd marriage with permission, without consent of 1st wife, sons of daughters of 2nd wife will not be entitled to the appointment on the compassionate appointment, they could be considered for appointment had there been approval from the 1st wife which is absent in the present case.

In such view of the matter, this Court cannot pass any order at the peril of respondent No. 8, accordingly, this petition does not sustain. However, the Authority is directed to consider the representation if any filed by the petitioner. If any representation is pending, the authority will take decision within a period of three months from the date of receipt/production of the copy of this order.

This order has been passed after hearing both the parties.

With the above observation/direction, this petition is disposed of.

(Shivaji Pandey, J)

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