

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6231 of 2011

=====

Sunil Kumar Ram @ Sunil Manjhi son of late Khichari Manjhi, resident of village- Harpur Kothi, P.O. Panditpur, Police Station- Janta Bazar, District-Saran(Chapra).

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Personnel and Administrative Reforms Department, Govt. of Bihar, Patna.
3. The Principal Secretary, Home Department, Government of Bihar, Patna.
4. The Deputy Secretary, Home (Special) Department, Govt. of Bihar, Patna.
5. The Director General of Police, Bihar, Patna.
6. The Inspector General of Police, Saran Range, Chapra.
7. The District Magistrate, Saran at Chapra.
8. The District Magistrate, Saran at Chapra.
9. The Superintendent of Police, Saran at Chapra.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Umesh Kumar Mishra

For the Respondent/s : None.

=====

CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

3 08-05-2015 Heard learned counsel appearing on behalf of the petitioner. However, none appears on behalf of the respondents though the name of the learned State counsel is printed in the daily cause list.

The petitioner has filed the present writ petition under Article 226 of the Constitution of India assailing the validity and correctness of order/ communication dated 15.01.2007 (Annexure-5) wherein it has been held that the dependants of six deceased persons killed in police firing on 12.09.2002 are entitled for compensation of Rs. One lakh each, which have already been paid to them, but they are not entitled for compassionate appointment in view of decision dated 01.07.2002 rendered in C.W.J.C. No.

5808 of 1997 by the Patna High Court. The aforesaid decision was communicated to the petitioner by letter dated 22nd December, 2009 (Annexure-4), whereby the claim of the petitioner for compassionate appointment has been rejected.

Though the respondents are not represented by their counsel, as noticed above, but this Court finds that a detailed counter-affidavit was filed on behalf of the respondent no. 1, 3 and 4 way back on 12.10.2012. In the aforesaid counter-affidavit, the judgment dated 01.07.2002 rendered in C.W.J.C. No. 5808 of 1997 by a Bench of this Court [Coram: Aftab Alam, J, since superannuated] has been brought on record as Annexure-C to the aforesaid counter-affidavit. By the aforesaid judgment, the Government circular dated 09.08.2000 providing for compassionate appointment of the dependents of the persons killed in extremists/ castes/ election/ carnage related incident, were declared to be void and inoperative. However, it was left open for the State Government to re-formulate its policy in the light of the observations made in the aforesaid judgment. In view of the observations given in the aforesaid judgment by the Patna High Court, as contained in Annexure-C to the counter-affidavit, the State Government came with a fresh resolution dated 17th February, 2010 (Annexure-D to the counter-affidavit), wherein it has been provided that the dependents of the deceased in extremists/ terrorists/ castes etc. related incident shall be entitled for compensation of Rs. One lakh only, but they shall not be entitled for compassionate appointment.

At this place, it would be relevant to mention here that in the identical circumstances claim of compassionate appointment of the dependents of the deceased in such incident has been

rejected by a Bench of this Court [Coram: Navin Sinha,J, as his Lordship then was) by orders as contained in Annexure-G and H to the aforesaid counter-affidavit. Furthermore, this Bench had also an occasion to consider the identical matter in C.W.J.C. No. 5727 of 2014 (Satish Kumar Dutt vs. The State of Bihar & Ors.) and by judgment and order dated 05.01.2015 passed in aforesaid case, the claim of compassionate appointment of the dependent of a deceased has been negated by this Bench by recording reasons for such rejection.

In view of aforesaid judicial pronouncements made by different Benches of this Court including this Bench, the impugned order/ communication dated 15.01.2007 (Annexure-5) and the consequential communication as contained in Annexure-4 cannot be legally faulted.

In the result, the writ petition has to fail and is, accordingly, dismissed.

(Birendra Prasad Verma, J)

BTiwary/-

U			
---	--	--	--