

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15182 of 2008

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Bilash Kumar, son of late Sadanand Yadav, resident of village Sabaila, P.S.
Singheshwar, District Madhepura

.... Petitioner

Versus

1. The State of Bihar
2. The District Magistrate, Madhepura
3. The District Development Commissioner cum Chief Executive Officer,
Zila Parishad, Madhepura

.... Respondents

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Appearance :

For the Petitioner/s : None

For the Respondent/s : Mr. (Sc6)
Mr. Binita Singh

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

4 28-07-2015 No one appears for the petitioner.

This is the third successive occasion when the learned counsel for the petitioner has failed to appear. Earlier on 8.8.2013 and 16.8.2013 no one had appeared for the petitioner, whereafter the application was dismissed for default and later on, restored in view of the order dated 29.1.2014 in M.J.C.No. 4704/2013.

From perusal of the materials on record it transpires that the District Compassionate Appointment Committee in its meeting held on 20.1.2006 had recommended for appointment of the petitioner on compassionate ground but despite such recommendation the petitioner's appointment was not made by the Zila Parishad, Madhepura. It, however, appears from the letter of

the Chief Executive Officer, Zila Parishad, Madhepura dated 12.9.2006 that the deceased employee Sadanand Yadav, father of the petitioner, was holding the post of Chaukidar but he had performed two marriages and the mother of the petitioner was the second wife. Such marriage of the mother of the petitioner was not wholly contrary to the decision of the State Government which prohibits any Government servant Hindu by faith and religion not to enter into second marriage unless permitted by the Government.

In that view of the matter, this Court would not find any reason to now issue a direction for appointment of the petitioner on compassionate ground, inasmuch as the petitioner does not qualify for such appointment, especially when the first wife being a legal wife was still alive and had an issue from that marriage.

Thus, for the reasons indicated above, this writ application must fail and is hereby dismissed.

(Mihir Kumar Jha, J)

surendra/-

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