

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15131 of 2008

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1. Most. Shanti Devi, wife of late Shiv Prasad
 2. Raj Kumar, son of late Budhan Rajak
- Both residents of village Nasariganj, Sikanderpur, P.O. Digha, P.S. Danapur, District Patna at present residing at LIG- 11/383, Hanuman Nagar, P.S. Kankarbagh, District Patna

.... Petitioner

Versus

1. The State of Bihar
2. The Director, Science and Technology Department, Govt. of Bihar, Patna
3. The Principal, Government Polytechnic, Gulzarbagh, Patna-7

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Ranjana Sinha
Mr. Birendra Kr.Singh

For the Respondent/s : Mr. (Gp22)

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 28-07-2015 Heard learned counsel for the parties.

2. Having regard to the admitted position that the deceased employee late Shiv Prasad had died issueless, the claim of petitioner no.1, her widow, that she had adopted petitioner no.2 as her son in absence of registered document of adoption cannot be accepted. In fact such registered document of adoption could have been the clinching evidence in terms of Section 16 of the Hindu Adoption and Maintenance Act.

3. Thus, this Court will find it difficult now to issue any direction to the respondents to consider the case of petitioner no.2 for appointment on the ground that he was an adopted son of the

deceased employee.

4. As a matter of fact the reliance placed by Mr. Vindhya Keshari Kumar, learned Senior counsel for the petitioners, on a judgment of this Court in the case of Most. Shail Devi v. Board of Director, reported in 2001(4) PLJR 241, is apparently misplaced, inasmuch as that was a case of appointment relating to appointment on compassionate ground in the Bank. The Bank had a different policy and the definition of the dependent is also altogether different than what was prescribed in the Government policy of the State of Bihar dated 5.10.1991 laying down the succession of heirs being widow, son, unmarried daughter and daughter-in-law of the pre-deceased son in that order.

5. Thus, petitioner no.2 by virtue of being Bhagina (nephew) of petitioner no.1 or the deceased employee cannot claim appointment on compassionate ground and he has got nothing to establish his claim of his being adopted by petitioner no.1 except an affidavit which cannot be a proof of adoption in terms of section 16 of the Hindu Adoption and Maintenance Act.

That being so, this application must fail and is hereby dismissed.

(Mihir Kumar Jha, J)

surendra/-

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