

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8404 of 2013

Pradeep Kumar S/O Late Kailash Prasad And Late Premrata Devi R/O Village-
Halimpur, P.O.- Jamalpur, P.S. Naya Ram Nagar, District- Munger

.... Petitioner/s

Versus

1. The State Of Bihar Through The Secretary, Department Of Health, Govt. Of Bihar, Patna
2. Regional Deputy Director, Purnea Division, Purnea
3. District Magistrate, Katihar
4. Civil Surgeon-Cum-Chief Medical Officer, Katihar
5. Incharge Medical Officer, Primary Health Centre, Gadawadi, District- Katihar

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Bishweshwar Ram, Adv.

For the Respondent/s : Mr. Radhika Raman, GP-23

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 23-06-2016

Heard learned counsel for the parties.

In this case, the petitioner is seeking appointment on compassionate ground claiming that his mother, who was A.N.M. at Health Centre, Katihar, died in harness.

Learned counsel for the petitioner has submitted that Binod Kumar, the brother of the petitioner, has given no objection for his appointment but, learned counsel for the State has filed counter affidavit wherein Binod Kumar has also been shown to be the claimant to the appointment on compassionate ground. In the counter affidavit, it has been mentioned that Binod Kumar has shown his father's name as late Ram Lal and one Naveen Kumar has been shown as the eldest brother. Learned counsel

for the petitioner has submitted that Pradeep kumar is the Navin Kumar and Navin Kumar is the alias name of the petitioner and also stated that Binod Kumar was residing in the maternal grand father's house and fraudulently he has given the name of late Ram Lal as his father whereas the fact is that Kailash Prasad is the father of petitioner Pradeep Kumar and Binod Kumar but, this disputed question of fact cannot be looked into in the writ jurisdiction. The petitioner, if so advised, may file representation before the appropriate authority who will call upon the present petitioner and Binod Kumar, resolve the dispute between them and try to confer the benefit of compassionate appointment to the rightful person.

With the aforementioned observation, this application is disposed of.

(Shivaji Pandey, J)

Rishi/-

AFR/NAFR	NAFR
CAV DATE	NA
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