

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11789 of 2013

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1. Deepak Kumar Son Of Late Shankar Paswan Resident Of Vill.-
Mathurapur, P.O.- Mathurapur, P.S. And Dist.- Khagaria

.... Petitioner/s

Versus

1. The State Of Bihar Through The Home Secretary Bihar, Patna
2. The Director General Of Police Bihar, Patna
3. The Principal Secretary General Administration Deptt., Bihar, Patna
4. The Inspector General Of Police, Munger
5. The Superintendent Of Police (C) Crime Investigation Department Bihar,
Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. U.K.Sharma, Advocate
Mr. Dhanjay Pandey, Advocate
For the Respondent/s : Mr. Pankaj Kumar, SC-12
Mr. Ashish Kumar Lal, Advocate

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

3 07-09-2016 Heard learned counsel for the petitioner and learned
counsel for the State.

With the consent of learned counsel for the parties,
this case is being heard and disposed of today itself.

In this case, the petitioner is seeking appointment on
compassionate ground. The case of the petitioner for
appointment on compassionate ground has been rejected on the
ground that one of the brothers of the petitioner is a
Government servant. Recently, the same issue came for
consideration before this court in C.W.J.C. No. 10236 of 2013.
This Court vide judgment dated 22.08.2016 dismissed the said

writ application by placing reliance on the number of judgments and arrived to a conclusion that if one of the family members is already in Government service, even if, they are living separately, the same cannot be a ground for compassionate appointment.

The learned counsel for the petitioner has placed reliance on the judgment reported in **2005(2) SCC 342 (Union of India and others Vs. Draupadi Behara (Smt.) and Another)**, the Court after considering the resolution of the State of Orissa has held that if one of the family members is employed, not assisting the family members financially, in such circumstances, the request for compassionate appointment will be considered but, the petitioner has no knowledge of such circular has been passed by the State of Bihar showing such instruction has been issued for granting benefit for the compassionate appointment in those contingencies.

In such view of the matter, this Court does not find any merit in the present case. Accordingly, the same is dismissed.

(Shivaji Pandey, J)

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