

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7681 of 2013

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1. Smt. Tara Devi W/O Kameshwar Manjhi, D/O Late Nathuni Manjhi Resident Of Village Nauwa Dih (Jalalpur), Police Station Chapra Muffasil, P.O. Gultainganj, District Saran

2. Guddu Manjhi Son Of Kameshwar Manjhi, Maternal G/S Of Late Nathuni Manjhi, Resident Of Village Nauwa Dih (Jalalpur), Police Station Chapra Muffasil, P.O. Gultainganj, District Saran

.... Petitioner/s

Versus

1. The State Of Bihar
2. The Home Commissioner, Govt. Of Bihar, Patna
3. The Chairman, District Compassionate Appointment Committee, Saran At Chapra
4. The District Magistrate, Saran At Chapra
5. The Superintendent Of Police, Saran At Chapra
6. The Sub-Divisional Officer Sadar At Chapra
7. The Additional Collector General Administration Saran At Chapra
8. The Circle Officer, Sadar Chapra

.... Respondent/s

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Appearance:

For the Petitioner/s : Mr. Manojeshwar Pd. Sinha
Mr. Ratan Kumar Sinha
Mr. Madhukar Pandey

For the Respondent/s : Mr. Anisul Haque, A.C. to A.A.G.-9

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 05-05-2016

Order in I.A. No.3576 of 2016

During the pendency of this writ petition, the respondent authority by letter dated 27.09.2012 rejected the claim of the petitioner for appointment on compassionate ground. This letter dated 27.09.2012 has been challenged in I.A. No.3576 of 2016.

In view of the fact that cause of action has taken place during the pendency of the writ application, this Interlocutory

application No.3576 of 2016 is allowed and the statement made in this application will be treated to be the part of the writ application.

Order in C.W.J.C. No.7681 of 2013

Heard learned counsel for the petitioners and learned counsel for the State.

In this case, the petitioner No.1 is the daughter of deceased-Nathuni Manjhi and petitioner No.2 is the son of Kameshwar Manjhi and maternal grand son of deceased-Nathuni Manjhi. Both the petitioners are claiming that either of them should be appointed on compassionate ground.

Nathuni Manjhi was working as Chowkidar in Bishunpura Gram Panchayat and died in harness. After his death, petitioner No.1 applied for appointment on compassionate ground, claiming to be dependent of Nathuni Manjhi. The said application of the petitioner No.1 was rejected by the respondent authority on three grounds; (i) that she is a married daughter is no longer dependent on the deceased (ii) that 8th pass is the minimum qualification for compassionate appointment whereas the petitioner No.1 is hardly 6th pass and (iii) that the petitioner No.1 filed application after five years.

Learned counsel for the petitioners has drawn attention of this Court to the Resolution dated 10.12.2015 issued by the

Government of Bihar, whereby and whereunder the ambit of the dependent has been enlarged and married daughter has also shown to be the dependent of the deceased-employee.

Admittedly, the father of the petitioner No.1 died in harness in the year 1999 and the application of the petitioner No.1 was rejected by the authority on 27.09.2012. Admittedly, upto the date the aforesaid Resolution was not brought into existence. The law which was prevailed during the period taken into consideration and therefore, at the relevant point of time, the married daughter was not qualified to be appointed on compassionate ground.

In such view of the matter, this Court does not find any error in the impugned judgment and order. Accordingly, this writ petition is dismissed.

(Shivaji Pandey, J)

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