

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.4066 of 2016

IN

LPA 1495 of 2016

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Ravindra Kumar, son of Late Sita Ram Yadav resident of Village-Usas Deora,
P.S.- Konch, District- Gaya.

.... Petitioner

Versus

1. The State of Bihar,
2. The Collector-cum-Chairman of District Compassionate Committee, Gaya.
3. The Senior Superintendent of Police, Gaya.
4. Commandant, BMP-3, Bodh Gaya.
5. Dy. Collector (Special) Gaya.
6. Members of District compassionate Committee, Collectorate, Gaya.

.... Respondents

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Appearance :

For the Petitioner : Mr. Raj Ballabh Singh
Mr. Bamdeo Pandey, Advocates.
For the Respondents : Mr. Anil Kumar Sinha, GP-26

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

And

HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

(Per: HONOURABLE DR. JUSTICE RAVI RANJAN)

Date: 04-05-2017

Heard learned counsel for the petitioner and the State.

The writ petition i.e. C.W.J.C. No. 16089 of 2014 which was filed with a prayer for consideration of the case of the petitioner for appointment on compassionate ground was dismissed vide judgment dated 21.06.2016. Assailing that judgment L.P.A. No. 1495 of 2016 was preferred. The same was also dismissed after due consideration.

The petitioner seeks review of the order dated 24.10.2016 passed in L.P.A. No. 1495 of 2016 by a Division Bench of this Court.



It is contended on behalf of the petitioner that in view of Annexure-5, which is an affidavit sworn by his mother clearly stating that her two sons are living separately and it is only the third one who is looking after and taking care of her, he should have been considered for appointment under compassionate ground.

However, it is apparent from the order under review that the aforesaid aspect of the matter was considered by the Court in detail. The Division Bench has found that mother of the petitioner, in her earlier affidavit suppressed the fact that her two sons are already in Government service. However, in the second affidavit also, which was filed by the mother of the petitioner and has been appended as Annexure-5, it is not stated that the two sons are already in Government service rather it is only stated that the two sons are living separately and only the third son is taking care of her.

It is quite clear from the order under review that two brothers of the petitioner namely Hari Narayan Prasad and Sunil Kumar are already in Government service which fact was never revealed either by the mother of the petitioner in her two affidavits filed before the authority concerned or by the petitioner. When the factum of her two sons being in Government service came to the knowledge of the competent authority, it appears that she filed another affidavit vide Annexure-5 stating that her two sons are living separately but in that affidavit also she did not disclose the aforesaid



fact of employment of two out of her three sons.

Thus, the Division Bench has held that the second affidavit is an afterthought and, since the two brothers of the petitioner are already in service, it is their duty to take care of their mother.

Thus, in our view, the order under review does not require any interference.

In the result, this application is dismissed.

(Dr. Ravi Ranjan, J)

(Vikash Jain, J)

Md. Ibrarul/-

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