

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1168 of 2016

- =====
1. Rita Srivastava, W/o- Late Anil Kumar Srivastava, Ex- Assistant, Minor Irrigation Department (Now known as Minor Water Resources Department) Government of Bihar, Patna, residing at 103, Shyama Saswatam Apartment, Ara Garden Road, behind Jagdeo Path, Patna-800014
 2. Archana Ranjan, wife of Sri Rajeev Kumar Srivastava, residing at 103, Shyama Saswatam Apartment, Ara Garden Road, behind Jagdeo Path, Patna-800014
- Appellant/s

Versus

1. State of Bihar through Principal Secretary, Department of Minor Irrigation
 2. Principal Secretary, Department of Minor Irrigation, Government of Bihar, Patna
 3. Under Secretary, Department of Minor Irrigation, Government of Bihar, Patna
 4. Principal Secretary, Ministry of General Administration, Department of Personnel, Government of Bihar, Patna
- Respondent/s
- =====

Appearance :

For the Appellant/s : Mr. Anand Kumar Ojha, Advocate
Ms. Manisha Singh, Advocate
Mr. P.R.P. Sinha, Advocate
For the Respondent/s : Smt. Binita Singh, SC-28
Mr. Siddharth Shankar Pandey, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 10-04-2017

Keeping in view the fact that there is no provision in the scheme for compassionate appointment for grant of compassionate appointment to a daughter-in-law, it is not



appropriate for a writ Court to issue a *mandamus* directing grant of appointment to such a person which is not covered by the scheme for compassionate appointment. That being beyond the purview of a writ Court and in refusing to do so, in spite of expressing sympathy to the petitioner, the writ Court has not committed any error.

However, at the same time, when the concerned Department, namely the Minor Water Resources Department, vide Annexure-6 dated 1.7.2013, had requested the competent authority of the State Government to consider evaluating a policy for compassionate appointment to a daughter-in-law also in the light of various factors that have come on record, it was for the State Government to consider the recommendations and thereafter examine the case of the petitioner and take a decision for amendment to the policy.

Keeping in view of the aforesaid, interest of justice would be met in case the respondents State of Bihar are directed to consider the recommendations made in Annexure-6, take a decision with regard to making amendment in the scheme for grant of compassionate appointment, explore the possibility of giving benefit on compassionate ground to a daughter-in-law and after taking a decision in this regard within a reasonable period, consider the case



of the petitioner.

With the aforesaid, the appeal stands disposed of.

(Rajendra Menon, CJ)

(Sudhir Singh, J)

K.C.jha/-

AFR/NAFR	NAFR
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