

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.23433 of 2013

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Arjun Sah, son of late Parmeshwar Sah, Resident of Village Nababganj, P.S. Surya
Garaha, Dist. Lakhisarai.

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The D.G. of Police, Bihar, Patna.
3. The I.G., Rail, Bihar, Patna.
4. The Rail S.P. Katihar.
5. The Collector, Begusarai.
6. The S.P. Begusarai.
7. The S.P. Lakhisarai.
8. The Advisor, Helpline, Government of Bihar,, Begusarai.
9. Jyoti Kumari, Wife of Late Ramanuj Kumar, D/o Krishna Mohan Gupta,
Resident of Village Kurha, P.S. Shabepur Kamal, Dist. Begusarai.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Amish Kumar, Adv.
For the Respondent/s : Mr. Binod Kumar Yadav, SC-18
For the Resp. No.9 : Mr. Pramod Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 28-11-2017

Heard learned counsel for the petitioner and counsel for
the State as also counsel for the private respondent no.9.

In the present case, the petitioner has objected to grant of
compassionate appointment to the private respondent no.9 who
happens to be daughter-in-law of the petitioner.

An allegation has been made that the son of the petitioner
had not died on account of natural death but, the wife was
instrumental of killing her husband and he has lodged a complaint
before the police, respondent no.9 has appeared, given detail of the



story, attached a copy of the investigation report of the S.P. Begusarai wherein the details of the incident has been mentioned that the deceased son, while discharging the duty, had fallen on the ground, later on, he was declared dead and U.D. case was lodged, whereafter, the present petitioner filed a complaint petition before the C.J.M., Begusarai and that was sent for investigation under section 156(3) of the Cr.P.C., the investigation was done by the higher authority and has recorded a finding that it was a case of natural death, the complaint petition has been filed out of lust and greed to ensure that the respondent no.9 should not get the appointment but, another son should get the appointment and, after the final form having been accepted by the court below, the protest petition has been filed, cognizance has been taken.

Now at this stage, it is very difficult to arrive positive finding which side of story is correct, whether the story of the petitioner is correct or the story of the respondent no.9 is correct. That will be looked into by the criminal court but, for the present, when the police did not find any involvement of the respondent no.9 in the death of the son of the petitioner, in such circumstances, this Court cannot restrain in her appointment. If the Compassionate Appointment Committee has found that she should be appointed on compassionate ground, let the action should be taken accordingly and she should be



given compassionate appointment as she is the wife of the deceased of the police constable but, while granting appointment on compassionate ground, an undertaking will be taken from respondent no.9 that she will maintain the dependents of her husband, namely, father and other dependants.

As this court has already disposed of the matter, there is no stay or any impediment in granting appointment to the respondent no.9.

With the aforementioned observation and direction, this application is disposed of.

(Shivaji Pandey, J)

Rishi/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	01.12.2017
Transmission Date	NA

