

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7951 of 2016

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Rajiv Kumar, S/O- Late Nagendra Rai, resident of Chaupar Khurd, Post- Batra,
P.S.- Nanpur, Dist. Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar through Director General of Police, Bihar, Old Secretariat Building, Patna.
2. The District Magistrate -cum- Chairman, District Compassionate Appointment Committee, Patna.
3. The Senior Superintendent of Police, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ambuj Nayan Chaubey, Adv.

For the Respondent/s : Mr. Ajeet Kumar, GA-9

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 06-03-2017

Heard Mr. Ambuj Nayan Choubey, learned counsel
appearing for the petitioner and Mr. Ajeet Kumar, learned
Government Advocate No.9 for the State.

This is another example of litigation being generated
when there is no dispute. It is not in dispute that the father of the
petitioner died in harness while serving as a Constable in the District
Police Force. It is following the death that the Senior Superintendent
of Police informed the widow of the deceased Surya Devi regarding
his death while on duty and which is confirmed from Annexure-1
series. The petitioner herein claiming to be the son of the deceased
filed an application for compassionate appointment and which has
been rejected by the District Level Compassionate Appointment



Committee headed by the District Magistrate, Patna and who has rejected the claim of the petitioner simply relying upon a family list submitted by the Circle Officer, Nanpur wherein the petitioner has been mentioned as the step son of one Most. Mahapati Devi, wife of Nagendra Rai.

Mr. Choubey, learned counsel appearing on behalf of the petitioner removes the confusion whatsoever prevailing by referring to the death certificate of the petitioner's mother Surya Devi, a copy of which is placed at Annexure-5 to submit that it is upon the death of his mother Surya Devi on 31.10.2004 that his father married again with Mahapati Devi and it is for this reason that his name figures in the family list as her stepson. Learned counsel has next referred to the college leaving certificate of the petitioner present at Annexure-3 to submit that this document certifies him to be the son of Surya Devi and Nagendra Rai.

The short submission made by Mr. Choubey is that an unnecessary cloud is being raised by the District Level Compassionate Appointment Committee headed by the District Magistrate, Patna as regarding status of the petitioner as the son of the deceased Constable Nagendra Rai to deny his claim.

The stand taken by the District Level Compassionate Appointment Committee is reiterated by Mr. Kumar, learned



Government Advocate No.9 to again submit that in view of the confusion prevailing that the claim has been rejected.

As I have already observed, these are instances of unwarranted litigation generated and if such process continues, the State Litigation Policy would remain a paper transaction.

Reverting to the matter in issue, Annexure-5, which is the death certificate of the mother of the petitioner Surya Devi and certifies her death on 31.10.2004, is itself an explanation of the confusion whatsoever that was hovering in the mind of the members of the District Level Compassionate Appointment Committee. The certificate mentions her as wife of Nagendra Rai. The information given by the respondents on the death of the Constable Nagendra Rai enclosed at running page 15 also acknowledges this fact. The family details issued by the Circle Officer, Nanpur present at Annexure-4 is dated 24.11.2015 and correctly records the petitioner as the step son of Mahapati Devi. Mr. Choubey, learned counsel has explained that his father got married to Mahapati Devi after the death of his mother Surya Devi. In the circumstances taken note of, there is no confusion that the mother of the petitioner was Surya Devi and there is again no confusion that Surya Devi was the first wife of the deceased Constable Nagendra Rai and who expired in 2004.



Annexure-5 read alongside Annexure- 1 and 3 is a valid explanation of the status present at Annexure-4. The decision of the District Level Compassionate Appointment Committee in the circumstances discussed, is perverse for it rests on no valid ground rather is resting on self-generated confusion and is accordingly quashed and set aside. The District Level Compassionate Appointment Committee, Patna is directed to take appropriate decision on the claim of the petitioner for compassionate appointment in accordance with law within a maximum period of six weeks from the date of receipt/production of a copy of this order.

The writ petition is allowed.

(Jyoti Saran, J)

SKPathak/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	17-03-2017
Transmission Date	NA

