

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.16302 of 2015

=====

Babita Devi Wife of Late Ram Balak Prasad Resident of Village - Kulna, P.O.
Kusumhar, P.S. Akbarpur, District Nawada.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The District Magistrate, Nawada.
3. The Superintendent of Police, Nawada.
4. The Circle Officer, Akbarpur, Dist. Nawada.
5. The Station House Officer, Akbarpur, Dist. Nawada.
6. Pahlad Kumar Son of Late Nanhku Mahto Resident of Village - Kulna, P.O.
Kusumhar, P.S. Akbarpur, District Nawada.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Pramod Kumar Verma, Advocate

For the Respondent/s : Smt. Binita Singh- SC 28

=====

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date: 24-01-2018

Heard counsels for the petitioner and the respondents
State.

2. The petitioner has filed the writ petition seeking quashing of the appointment of her brother-in-law on compassionate ground in place of his father late Nanhku Mhto who died in harness on 02.01.2012.

3. This Court finds that on an earlier occasion the same petitioner had approached this Court in CWJC No. 5993 of 2014 with a claim for appointment on compassionate ground on account of death of her husband namely, Rambalak Mahto claiming that he died in



harness on 12.05.2012. This Court vide order dated 21.11.2014 disposed off the said CWJC No. 5993 of 2014 with liberty to the petitioner to raise her claim for appointment on compassionate ground in place of her husband namely, Rambalak Prasad before the competent authority.

4. This time the petitioner claiming to be the wife of one of the sons of the said Nanhku Mahto has challenged the compassionate appointment issued in favour of Shri Prahlad Kumr i.e., the other son of the deceased employee Nanhku Mahto (brother-in-law of the instant petitioner).

5. From the record it appears that the department has considered the claim of the said Prahlad Kumar for appointment on compassionate ground in view of the fact that the wife of the deceased Nanhku Mahto had also made recommendation in his favour.

6. No ground worth consideration is made out for challenging the appointment of the said Prahlad Kumar on the basis of facts as noticed above. Earlier the petitioner had approached this Court for compassionate appointment on account of death of her husband namely, Rambalak Prasad. Since the deceased husband of the petitioner namely, Rambalak Prasad was never appointed in government service on the post of Chaukidar, the claim of the petitioner was not considered for grant of compassionate appointment



to her. This fact is apparent from the proceeding of the District Compassionate Committee dated 27.07.2015 Annexure 1 to the writ petition.

7. In view of the aforesaid, no case is made out as the petitioner has no subsisting right to claim compassionate appointment on account of the death of her husband namely, Rambalak Prasad, since he was never a government employee. Even otherwise the appointment of the said Prahlad Kumar having been done on compassionate grounds in view of the recommendation made in his favour by his mother/wife of the deceased Nanhku Mahto, the same also cannot be interfered on the prayer made by the petitioner, who is daughter-in-law of the deceased Nanhku Mahto. The petitioner has not been able to establish any legally enforceable right.

8. The writ petition is dismissed.

(Madhuresh Prasad, J)

Prakash/-

AFR/NAFR	
CAV DATE	
Uploading Date	1/2/2018
Transmission Date	

