

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.15992 of 2010**

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1. Sanjiv Kumar S/o Late Shri Ram Paswan R/o Vill. + P.O.- Phulparas, P.S.- Phulparas, Distt.- Madhubani
  2. Most. Savitri Devi W/o Late Shri Ram Paswan R/o Vill. + P.O.- Phulparas, P.S.- Phulparas, Distt.- Madhubani

.... .... Petitioner/s

Versus

1. The State of Bihar
2. District Compassionate Appointment Committee through the District Magistrate, Madhubani
3. Deputy Collector, Establishment, Madhubani
4. District Sub-Registrar, Madhubani
5. Sub-Registrar, Phulparas, Madhubani
6. Sub-Divisional Officer, Phulparas, Madhubani

.... .... Respondent/s

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**Appearance:**

For the Petitioner/s : Mr. Mukesh Kumar Thakur  
Mr. Malika Mazumdar

For the Respondent/s : Mr. Rakesh Kumar Ranjan, A.C. to G.P.-5

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**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH**  
**ORAL ORDER**

4      19-06-2018      The petitioner by way of the present writ petition seeks appointment on compassionate ground.

The respondents have denied appointment on compassionate ground to the petitioner herein on the ground that his two other brothers are in government service.

It is a trite law that even if the kith and kin of any incumbent seeking appointment on compassionate ground are in government service, the District Compassionate Committee will have to examine the factual position with regard to the situation as existing vis-à-vis the financial condition of the person seeking



compassionate appointment.

In the present case, no such fact findings exercise, to the effect as to whether the financial condition or otherwise of the incumbent i.e. the petitioner herein is such, which warrants grant of compassionate appointment, has been undertaken.

Having regard to the facts and circumstances of the case, Memo No. 957 dated 21.8.2009 issued by the District Compassionate Appointment Committee, Madhubani is quashed and the District Magistrate, Madhubani is directed to carry out the exercise of ascertaining as to whether the petitioner is in a pecuniary stage, so as to warrant grant of compassionate appointment to the petitioner herein despite the fact that his two brothers are in government service. The District Magistrate, Madhubani is further directed to complete the said exercise within a period of four weeks from today and take a final decision with regard to the case of the petitioner herein.

The writ petition is allowed.

**(Mohit Kumar Shah, J)**

S.Sb/-

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