

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12446 of 2008

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Pappu Rajak, son of late Bigu Rajak, resident of Village and Post Office Kunda,
P.S. Aurangabad, Dist. Aurangabad (Bihar).

.... Petitioner/s

Versus

1. The State of Bihar through the Superintendent of Police, Buxar.
2. The Director General of Police, Bihar, Patna.
3. The Inspector General of Police, Bihar, Patna.
4. The Superintendent of Police, Buxar.
5. The District Compassionate Committee through the District Magistrate, Buxar.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Birendra Kumar Singh I, Adv.

For the Respondent/s : Mr. Binod Kumar, AC to GP-X

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 17-01-2018

Heard learned counsel for the petitioner and counsel
for the State.

In this case, the petitioner has claimed appointment on compassionate ground on the ground of death of his father, late Bagu Rajak, on 28.11.05, in harness, who was a Constable in the Bihar Police Service. After the death of late Bagu Rajak, the widow, namely, Most. Basamati Devi wrote a letter to the Superintendent of Police, Buxar to appoint the petitioner on compassionate ground as he was looking after her and her family members. The mother and the elder brother have filed their respective affidavits mentioning therein that the petitioner was taking care of the family left behind by the deceased employee and other family members have got no objection.



The petitioner holds the qualification of Madhyama, he applied for the compassionate appointment on 16.3.2007, the application was placed before the District Compassionate Committee which has taken cognizance of the application filed by the petitioner. The Deputy Collector, Establishment, Buxar issued memo no. 492 dated 14.5.2007, whereby, he has asked the petitioner to furnish certain documents mentioned in paragraph no.7 of the writ application which is as follows:-

“7. That the petitioner having Madhyama qualification applied for compassionate appointment before the authority concern on 16.3.07, considering to which the Deputy Collector, Establishment, Buxar issued memo no. 492 dated 14.05.07 whereby and whereunder the petitioner was asked to furnish_

a- Employment certificate with regard to employment of family of deceased employee issued by the circle officer of the concerned circle.

b- Genealogical table and

c- Affidavit by the petitioner declaring that he will look after the family and he is not a party in any case in any court.”

The petitioner furnished those documents, his case was placed before the District Compassionate Committee which rejected



the claim of the petitioner on the ground that his elder brother is already in Bihar Police Service and that is the reason for not extending the benefit of compassionate ground. Appointment on compassionate ground is given to the family to tide over the financial crisis on account of sudden death of the sole bread earner but, in the present case, his brother is already a government employee, serving the police force and, thus, rightly, the District Compassionate Committee has refused to grant the benefit as the family is not in penury. This position is further buttressed by the judgment passed in the case of *Vishal Kumar Singh Vs. The State of Bihar & Ors.* reported in *2004 (2) PLJR 453*.

Thus, this Court does not find that the family is in financial distress as one of the elder brother is in service of police and the compassionate appointment cannot be claimed as a matter of right.

In the result, this Court does not find any merit in the present writ application and the same is, accordingly, dismissed.

(Shivaji Pandey, J)

Rishi/-

AFR/NAFR	NAFR
CAV DATE	NA
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Transmission Date	NA

