

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12552 of 2011

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Rakesh Kumar, S/O Late Ajay Kumar Srivastava, R/O Vill.- Kurhani, P..S-
Kurhani, Distt.- Muzaffarpur

.... Petitioner/s

Versus

1. The State Of Bihar through District Magistrate, Muzaffarpur
2. The District Magistrate, Muzaffarpur
3. The Deputy Collector (Establishment), Distt.- Muzaffarpur
4. The Joint Registrar, Co-Operative Committee, Tirhut Pramandal Muzaffarpur
5. Circle Officer, Kurhni(Turki), Muzaffarpur

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. NARESH DIKSHIT, Adv.
Mr. Lalan Kumar, Adv.

For the Respondent/s : Mr. Narendra Kumar, AC to GP-20

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

Date: 03-07-2018

In view of the Full Bench judgment of this Court in the case of **Niraj Kumar Mallick Vs. The State of Bihar & Ors.** reported in **2018(2) PLJR 951**, learned counsel for the petitioner has understood the limitations of his argument. Learned counsel, however, submits that the competent authority while rejecting the claim of the petitioner for appointment on compassionate ground has not considered as to whether the eldest son of the deceased government employee is capable to provide sustenance to the family of the deceased employee.

On going through the averments made in the writ application and the reasons shown by the District Compassionate



Committee for rejecting the claim of the petitioner, this Court finds that the petitioner does not claim that eldest son of the deceased government employee has no capacity or capability to provide sustenance to the family of the deceased employee.

The only ground taken in the writ application is that the petitioner’s elder brother stays away from the petitioner and his mother right from the year 2007. In absence of any pleading in the writ application, keeping in mind the fact that the deceased employee died in harness sometime in the year 2008 and by now 10 years have gone past as also law laid down by the Hon’ble Full Bench of this Court in the case of **Niraj Kumar Mallick** (supra), this Court is not willing to exercise its extra-ordinary writ jurisdiction to grant the reliefs prayed for in the writ application.

The writ application has no merit. It is, accordingly, dismissed.

(Rajeev Ranjan Prasad, J)

Arvind/-

AFR/NAFR	
CAV DATE	
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