

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12747 of 2017

- =====
1. Santosh Kumar, Son of Mahendra Thakur (Adopted Father), Late Nagendra Thakur (Actual Father) Resident of Village +P.O.- Ijra, P.S.- Sadar Hajipur, District- Vaishali.
 2. Mahendra Thakur, Son of Late Yadu Thakur, Resident of Village +P.O.- Ijra, P.S.- Sadar Hajipur, District- Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Old Secretariat, Patna.
2. The Director General of Police, Bihar, Old Secretariat, Patna.
3. The D.I.G. of Police, Bhojpur Range, Arrah.
4. The S.P., Bhojpur at Arrah.
5. The D.M., Bhojpur at Arrah.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ram Hriday Prasad, Adv.

For the Respondent/s : Mr. Anil Kumar, AC to SC- 8

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 04-01-2018

Heard the parties.

The petitioner no.1 claims to be the adopted son of the deceased employee but there is no statutory document to confirm this position. Unless an adoption takes place in tune with the provisions of the Hindu Adoption and Maintenance Act, 1956, any adoption by way of private arrangement has no legal sanction and perhaps it is for the said reason that the claim has been rightly rejected.

Since the adoption herein is not legally valid, the issue as to whether or not an adopted son/daughter of a deceased employee, can claim compassionate appointment is left open for discussion in an appropriate case.

Mr. Ram Hriday Prasad, learned counsel appearing for the



petitioners informs that in the meanwhile the petitioner no.2, the husband of the deceased employee has also expired.

In the circumstances discussed, the issue raised, does not warrant indulgence and the writ petition is dismissed with the observations above.

(Jyoti Saran, J)

SKPathak/-

AFR/NAFR	AFR
CAV DATE	NA
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Transmission Date	NA

