

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2935 of 2016

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Murari Singh, S/o late Ram Anugrah Singh, R/o Vill.+P.O.-Hathiyawan,
P.s+Distt.-Sheikhpura.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department of Education,
Govt. of Bihar, Patna.
2. The Director, Primary Education, Govt. of Bihar, Patna.
3. The District Magistrate, Sheikhpura.
4. The District Educate Officer, Sheikhpura.
5. The District Programme Officer (Est.), Sheikhpura.
6. Girdhari Singh, S/o late Ram Anugarh Singh, R/o Vill.+P.O.-
Hathiyawan, P.S.+Distt.-Sheikhpura. Presently posted as Assistant
Teacher, Middle School, Sarika , P.S.-Sheikhpura, Distt.-Sheikhpura.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Bipin Kumar. Adv.

For the Respondent/s : Mr. Abbas Haidar, S.C.-16

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL JUDGMENT

Date : 06-12-2018

The petitioner has challenged the order dated
28.08.2015, passed by the District Magistrate, Sheikhpura
in Miscellaneous Case No. 25 of 2015, whereby the request
made by the petitioner for a direction to his younger brother



for maintaining him, who had been given compassionate appointment on the death of his father, who had died in harness, has been rejected.

2. The petitioner had earlier come up before this Court with the same prayer *vide* C.W.J.C. No. 6406 of 2005, which was disposed off with a direction that in case such a representation is made before the concerned District Magistrate, he shall hear the parties and pass necessary orders in accordance with law.

3. Pursuant to the aforesaid order passed in C.W.J.C. No. 6406 of 2005, the District Magistrate, Sheikhpura heard the petitioner as well as his younger brother, who was given appointment on compassionate grounds. After hearing the parties, the District Magistrate, Sheikhpura came to the finding that the father of the petitioner had died in harness. At the time when appointment was being given on compassionate grounds to the younger brother, the petitioner had given a "No Objection Certificate" with the understanding that whatever money shall be paid to his father after his death, shall come



to his pockets. All the payments made after the death of his father has been pocketed by the petitioner. The District Magistrate, Sheikhpura was also of the view that the petitioner does not come in the category of the dependents, who are to be maintained by a person who has been appointed on compassionate grounds and that category is limited to parents as well as the wife of the deceased.

4. On these grounds, the prayer of the petitioner has been refused by the District Magistrate, Sheikhpura.

5. No good ground has been made out by the learned counsel for the petitioner to interfere with the order impugned in the present petition.

6. This petition is dismissed.

(Ashutosh Kumar, J)

Praveen-II/-

AFR/NAFR	NAFR
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