

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9680 of 2016

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Chandan Kumar Son of Late Dhanohar Rai Resident of Village- Gangajal, P.s.
Sonepur, District- saran

.... Petitioner

Versus

1. The State of Bihar through the Chief Secretary Govt. of Bihar, Patna.
2. That Chairman Bihar State Electricity Corporation Ltd. Patna.
3. That General Manager cum-chief Engineer P.E.S.U. Patna.
4. The South Bihar Electric (Distribution) Co. Ltd. Pesuzone Patna – 800015.
5. The Executive Engineer, Deptt. Of Electricity, Bankipur, Patna.
6. The District Registrar District Registry Office Saran at Chapra.
7. The Circle Officer, Sonepur, Saran.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Dhananjay Mishra, Adv.

For the B.S.P.H.C. Ltd. : Mr. Ranjit Sinha, Adv.

For the State : Mr. Aditya Nath Jha, AC to SC 18

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 31-08-2018

Heard Mr. Dhananjay Mishra, learned Counsel for the petitioner, Mr. Ranjit Sinha, learned Counsel for the Electricity Board and Mr. Aditya Nath Jha, learned AC to SC 18 for the State.

The petitioner prays for a direction to the respondent authorities of the Bihar State Electricity Board which is now known as Bihar State Power Holding Company with its distribution company for appointing him on compassionate ground.

The case of the petitioner is that the father of the petitioner was working on the post of 'Khalashi' in Vidyut Sub-Station,



P.M.C.H., Patna and died in harness on 31.08.2012. Mr. Mishra refers to Annexure-1 to canvass the claim of the petitioner as an adopted son of the deceased Government employee for espousing the claim for compassionate appointment which is not forthcoming.

The plea is opposed on the ground that the petitioner is not natural son of the deceased employee nor adoption is in the manner prescribed under section 11 of Hindu Adoption & Maintenance Act, 1956 (hereinafter referred to as 'the Act').

I am in agreement with the objection raised by Mr. Sinha, learned Counsel appearing for the Power Company, as until there is a valid adoption in tune with the provisions underlying the Act, a private agreement even if by way of registered deed, has no force of law to vest a right in the petitioner to claim adoption.

In trying to repair the situation, a rejoinder is filed today enclosing a petition filed before the Sub-Judge I, Chapra for obtaining succession certificate on the death of the employee. In my opinion a claim under a succession certificate and a claim on adoption are two distinct issue which have no bearing on the other. However, I would express no opinion on the merits of the succession certificate, but in so far as the claim herein is concerned, since it is not in dispute that the petitioner is not a natural son of the deceased employee and even the adoption is not in terms of 'the Act', the claim for compassionate



appointment can not be upheld nor any direction can be issued to appoint the petitioner.

The writ petition is dismissed.

(Jyoti Saran, J)

Archana/Surendra

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	13.09.2018
Transmission Date	NA

