

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4100 of 2017

Atul Kumar Srivastava Son of late Kamlawati Devi Resident of Mohalla-
Ratanpura, P.S. Bhagwan Bazar, District- Chapra(Saran).

... .. Petitioner/s

Versus

1. The State of Bihar .
2. The Chief Secretary , Govt. of Bihar, Patna.
3. The Principal Secretary, Department of Health, Govt. of Bihar, Patna.
4. The Director, Health Service, Department of Health, New Secretariat, Patna.
5. Dy. Director, Health , Saran Division, Chapra.
6. The District Magistrate-cum-Chairman, District Compassionate Appointment Committee, Gopalganj.
7. The Civil Surgeon , Gopalganj.
8. The Incharge , Medical Officer, Primary Health Centre, Bijaipur, Gopalganj.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Jitendra Prasad Singh, Adv. Mr. Arvind Kr. Pandey, Adv.
For the Respondent/s	:	Mr. Ajay Behari Sinha-GA8 Mr. Neeraj Raj, AC to GA8

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL JUDGMENT

Date : 28-11-2018

Heard learned counsel for the parties.

The petitioner is claiming that he has wrongly been refused to grant relief of getting an employment for the adopted son of late Kamlawati Devi on the ground that the petitioner has failed to produce any substantive piece of material showing that he was adopted by his mother and, accordingly, vide Memo No. 47 dated 17.1.2017, the claim for compassionate appointment was rejected.

Learned counsel for the petitioner submits that after death of the mother, the petitioner has filed the succession case with respect to certain amount which was lying in the Punjab National Bank and other retiral benefit which was litigated in Succession Case No. 27 of



2008 (Annexure-7). The trial court, after considering the evidence on record, granted the succession certificate to the petitioner which itself shows that the succession court itself has accepted the plea of the petitioner of being adopted son of late Kamlawati Devi. The Circle Officer has also furnished the genealogical table showing the relationship of the petitioner with Kamlawati Devi as mother and adopted son.

The aforesaid two documents having been not looked into by the District Magistrate, the order contained in Memo No. 47 dated 17.1.2017 is quashed. The matter is remanded back to the District Magistrate, Gopalganj to examine the case of the petitioner after considering the legal value of the judgment of the succession case as well as the report of the Circle Officer and will pass an order in accordance with law within a period of eight weeks from the date of receipt/production of a copy of this order.

With the aforementioned observation and direction, this writ application is disposed of.

(Shivaji Pandey, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	30.11.2018
Transmission Date	

