

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8771 of 2016

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1. Jitendra Kumar Son of late Ram Janu Singh, resident of Flat No. 104 Block F Sant Vihar Apartment, Central Lohanipur, Kadamkuan, Patna P.S. -Kadam Kuan, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar through the Special Secretary, Building Construction Department of Visheshwaraiya Bhawan, Patna.
2. The Engineer in Chief Building Construction Department, Visheshwaraiya, Bhawan, Patna General Manager,
3. The Executive Engineer, Construction Division No.-2, Building Construction Department, Visheshwaraiya, Bhawan, Patna.
4. The Sanajy Kumar
5. Ajay Kumar Both Sons of Late Ram Janu Singh, resident of Flat No. 104, 105 Sant Vihar Apartment, Central Lohanipur, Kadam Kuan, Patna P.S.- Kadam Kuan, District- Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Pradhan Murli Manohar Prasad
Mr. Pancham Lal Jaiswal, Adv.
Mr. Raju Kumar, Adv.
For the Respondent/s : Mr. Shakib Ayaz, A.C. to AAG 13

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL JUDGMENT
Dated 13.08.2018

Heard Mr. Pradhan Murli Manohar Prasad, learned counsel appears for the petitioner with Mr. Raju Kumar, Advocate on Record and Mr. Shakib Ayaz, A.C. to A.A.G.13 for the State.

The petitioner is aggrieved because he has not been provided with the compassionate appointment.

The opposition of the prayer is on the ground that two brothers of the petitioner are State Government employee and



hence no case for compassionate appointment.

Learned State counsel has relied upon a Full Bench decision of this Court reported in **2018(2) PLJR 951 (Niraj Kumar Mallick versus the State of Bihar)** to submit that this very issue fell for consideration before the Full Bench when the reference has been answered in negative and it has been held that in case the siblings of a deceased employee are gainfully employed, it would be a disqualification for a compassionate appointment.

In view of the decision of the Full Bench in the case of **Niraj Kumar Mallick** (supra) no cause for indulgence is warranted on the prayer of the petitioner for compassionate appointment.

The writ petition is accordingly disposed of.

(Jyoti Saran, J)

Bibhash/Ranveer

AFR/NAFR	NAFR
CAV DATE	NA
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