

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.11587 of 2017

=====

Mahabir Prasad, S/o Late Sajjan Lal Nirala, Resident of Village-Haldikhora, P.S.-
Kochadhaman, District-Kishanganj.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, General Administration Department, Bihar, Patna
3. The Principal Secretary, Finance Department, Govt. of Bihar, Patna
4. The Commissioner, Purnea Division, Purnea
5. The Chairman of District Compassionate Appointment Committee Cum District Magistrate, Purnea.
6. The District Magistrate Kishanganj
7. Kamla Prasad Sutgar S/o late Sajjan Lal Sutgar Resident of Village- Haldikhora, P.S. Kochdhaman, District- Kishanganj.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Jay Prakash Singh
For the Respondent/s : Mr. Partha Sarthi -GA4
Mr. Kumar Vikram – AC to GA-4
Mr. Apurva Kumar, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 14-08-2018

Heard the parties.

In the present writ petition, the petitioner is seeking relief to quash the entire proceeding of Purnea District Compassionate Appointment Committee which was held on 26.12.2005 with regard to take decision with respect to appointment of Kamala Prasad Sutgar and rejected the application of petitioner.

Petitioner's father had two wives, petitioner is son from second wife. His father Sajjan Lal Nirala was got Government service as Chakbandi Amin in consolidation department and his wife died in



1963, thereafter he married with Jabni Devi in 1965. From first wife he had one son, namely, Kamala Prasad Sutgar and two sons from second wife namely Mahavir Prasad and Dashrath Prasad. Sajjan Lal Nirala died in harness on 03.11.2001. On the representation of Kamala Prasad Sutgar for compassionate appointment after death of his father Sajjan Lal Nirala was duly considered by the Purnea District Compassionate Appointment Committee vide its meeting date 26.12.2005 and recommended for appointment the name of Kamala Prasad Sutgar and accordingly he was appointed as Revenue Karamchari being the eldest son. Later on Kamala Prasad Sutgar also died in harness and his son namely, Nil Kumar, has been appointed on compassionate ground.

Petitioner is challenging the proceeding dated 26.12.2005 after a delay of twelve years, inasmuch as the mother also contested the appointment of Kamla Prasad Sutgar unsuccessfully on account of delay as well as one person from his family, namely, Kamala Prasad Sutgar, who was son of first wife having been appointed and thereafter his son has been again appointed so question of reopening of entire issue is futile exercise of power that too after death of Kamala Prasad Sutgar who was appointed and served the family.

In such view of the matter, this Court does not find any merit in the present writ petition.



Accordingly the same is dismissed.

(Shivaji Pandey, J)

Vinay/Sunny

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	18.08.2018
Transmission Date	NA

