

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18254 of 2014

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1. Rishi Kant Kumar Son of Late Ramchandra Pandey resident of village - Ufrouli, P.O. Nauhatta, Via - Chenari, P.S. Bhagwanpur, District - Bhabua (Kaimur), Presently residing at Mohalla - Sri Krishna Nagar, P.O. & P.S. Aurangabad, District - Aurangabad

.... Petitioner/s

Versus

1. Civil Court Aurangabad (Bihar), through its Registrar
2. The District & Sessions Judge, Civil Court, Aurangabad (Bihar)
3. The In - Charge Judge, Civil Court, Aurangabad (Bihar)
4. The Registrar, Civil Court, Aurangabad (Bihar)

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Suresh Prasad Singh
Ms. Rashmi

For the Respondent/s : Mr. Bindhyachal Singh
Ms. Smriti Singh

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

5 28-08-2018 Counsel for the respondents has appeared and strenuously relied upon the facts/circumstances considered by the authorities while considering his claim for compassionate appointment. A very strong suspicion/doubt has emerged since it is apparent that the death of the deceased government employee is claimed to be on 30th October 2010 on the basis of the certificate issued on 31.10.2010 by the Panchayat Secretary.

The facts preceding the death, as per submission of the Counsel for the respondents, raises a grave doubt on the *bona fide* of the claim made by the petitioner as father of the petitioner was under treatment for a very severe disease at Jaipur Golden Hospital, New Delhi. He submits that under very suspicious circumstances the petitioner had withdrawn his father from the hospital at Delhi by availing the option (Leave Against Medical



Advice). These facts have surfaced in the enquiry. He has further pointed out that even though the death is claimed on 30.10.2010, intimation in regard to the same had been given on 21.12.2010. This fact is disputed by the Counsel for the petitioner.

Be that as it may, the enquiry, which was conducted to examine eligibility/bonafide of the claim of the petitioner for compassionate appointment, does create a grave doubt and suspicion over the claim made by the petitioner. Whether such grave doubt/suspicion can be enough to reject the claim of the petitioner for compassionate appointment, is the issue which arises for consideration today.

It is submitted by the Counsel for the respondents that the death certificate dated 31.10.2010 is unreliable having been issued by the Panchayat Secretary. He further submits that the register, which was examined in proof of issuance of the certificate, raises a grave doubt in respect of the same being issued on the date which is mentioned on the certificate. However, the issuing authority has not been examined by the respondent authorities while considering and rejecting the petitioner's claim for compassionate appointment.

Counsel for the petitioner submits that he would be producing the authority who has issued the death certificate, before the District & Sessions Judge, Aurangabad or some responsible person from his office. It would be open to the petitioner to produce the issuing authority of the death certificate dated 31.10.2010 before the District & Sessions Judge, Aurangabad.

Since the outcome of the enquiry against the petitioner has not been challenged this Court would only observe that the



District Judge should examine the matter. In case the petitioner fails to produce the issuing authority, it would be open to the District & Sessions Judge, Aurangabad to take appropriate steps to ensure that the issue is taken to its logical conclusion by examining the veracity/authenticity of the certificate submitted by the petitioner in view of the attending circumstances which raises a grave doubt on the claim of the petitioner, which have been taken note of in the enquiry.

Final decision dated 17.3.2016 bearing Order No. 27/2016, which has been placed on record by Annexure R1/C would be subject to such verification of the veracity/authenticity of the petitioner's claim and examination of the issuing authority of the death certificate as well as the relevant records in proof of issuance of the death certificate. The enquiry into the said issue should be completed by the respondent authorities expeditiously. If the petitioner is desirous and keen for disposal of his claim he would cooperate in the exercise to be undertaken to facilitate expeditious consideration.

The writ petition is disposed of with the aforesaid observation and direction.

(Madhuresh Prasad, J.)

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