

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 15699 of 2014

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Jitendra Prasad son of late Kameshwar Prasad Sinha adopted son of late Kaushlya Devi wife of late Gopal Lal resident of village Madan Bigha, P.O. Meera Bigha, P.S. Chandauti, District Gaya.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The District Magistrate, Gaya.
3. The Civil Surgeon, Gaya, District Gaya.
4. The Medical Officer, Primary Health Centre, Atari, P.S. Atari, District Gaya.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr Arvind Kumar Sinha, Advocate
For the State : Mr Anuj Kumar, AC to SC XII

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date: 18-08-2018

Heard learned counsel for the petitioner and the respondent-State.

2 Placing reliance on the judgment of the Division Bench of this Court in the case of Union of India & Others –Versus- Most Shitali Devi & Another reported in 2002 (4) PLJR 62, learned counsel for the petitioner submits that petitioner, being the foster son of the deceased employee, is entitled to consideration for appointment on compassionate grounds. He places reliance on one *Panchnama* dated 14.01.1992 as proof of his adoption by Kaushalaya Devi who is the employee who died in harness. Respondents, under the order dated 01.02.2013, issued by the District Magistrate as Chairman of the



District Compassionate Appointment Committee, have rejected the claim of the petitioner as the same is based only on a *Panchnama*.

3 Annexure 6 dated 12.01.2008 shows that the petitioner has availed post retiral benefits of deceased Kaushalaya Devi in his capacity as son of sister of deceased Kaushalaya Devi. The petitioner, therefore, cannot be permitted to now contend that he was an adopted son/foster son of Kaushalaya Devi. The claim of the petitioner is, prima facie, not enforceable in view of the fact that he himself has derived benefits of the post retiral dues of Kaushalaya Devi in his capacity as son of sister of Kaushalaya Devi. Even otherwise, the order dated 01.02.2013 rejecting petitioner's claim for compassionate appointment has not been challenged in the instant proceedings.

4 For the reasons indicated hereinabove, this Court would find that the petitioner has no enforceable claim. The writ petition is devoid of merit and is dismissed.

(Madhuresh Prasad, J)

M.E.H./-

AFR/NAFR	NAFR
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