

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14317 of 2016

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Raj Kumari @ Raj Kumari Devi Wife of Late Badri Yadav Resident of village
- Badka Dhakaich Lewar , P.S. Krishna Braham, District Buxar

... .. Petitioner

Versus

1. The State Of Bihar
2. The Chief Secretary, the State Government of Bihar, Patna
3. The Director General of Police, State Government of Bihar, Patna
4. The Superintendent of Police, West Champaran, Bettiah
5. The District Collector - Cum - The Chairman, The District Compassionate Committee, West Champaran, Bettiah
6. The Officer - in - Charge of Police Station, Shree Nagar Pujha Police Station District West Champaran, Bettiah

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Nil Kamal & Ms. Kumari Priyanka
For the Respondent/s : Mr. Md. Irshad

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 18-04-2019 The petitioner's claim for compassionate appointment has been rejected by District Compassionate Committee in its meeting dated 8.11.2014.

Counsel for the petitioner draws attention of the Court towards judgment of the Full Bench in the case of *Neeraj Kumar Mallik Vs. State of Bihar* which has been reported in *2018(2) PLJR 951*.

Since reliance is placed on para 48 of the said judgment, this Court would observe that consideration in terms of para 48 is required to be done by the authorities having



regard to the factors which have been found worth consideration in para 48 of the said judgment.

The authorities in terms of Full Bench judgment would be required to look into nature of employment of the sibling and arrive at a conclusion regarding sufficiency of the same to take care of the needs in terms of para 48 of the judgment of Full Bench.

Petitioner's Counsel submits that he would be approaching respondent No. 5 with an application placing reliance upon settled legal position emanating from para 48 of the Full Bench judgment. In case, such an application is filed within two weeks, respondent No. 5 would be obliged to consider the same in accordance with law having regard to Full Bench judgment in the case of *Neeraj Kumar Mallik (supra)* at the next Compassionate Committee Meeting. The decision of Compassionate Committee dated 8.11.2014 would not stand in the way of such consideration.

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

(Madhuresh Prasad, J)

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