

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8283 of 2015

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Ajeet Kumar S/o Late Suresh Singh, Resident of Village P.O. Kobil, P.S. Islampur, Distt-Nalanda at Biharsharif.

... .. Petitioner

Versus

1. The State Of Bihar through Chief Secretary, Govt. of Bihar Patna
2. The District Magistrate-Cum-Chairman of Compassionate Committee, Nalanda at Biharsharif.
3. The Superintendent of Police, Nalanda at Biharsharif.
4. The Deputy Development Commissioner, Nalanda at Biharsharif.
5. The Additional Collector, Nalanda at Biharsharif.
6. The Sub-Divisional Officer, Hilsa.
7. The Sub-Divisional Officer, Rajgir.
8. The Sub-Divisional Officer, Biharsharif.
9. The Establishment Deputy Collector, Nalanda.
10. The Deputy Collector, General, Nalanda.

... .. Respondents

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Appearance :

For the Petitioner/s	:	Mr.Rajeev Kumar Singh Mr. Sita Ram Prasad
For the Respondent/s	:	Mr. N.P.Yadav, SC 23 Mr. Sudhin Kumar Singh, AC to SC 23

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 31-07-2019 Claim of the petitioner for compassionate appointment was rejected by the District Compassionate Committee in its meeting dated 12.1.2015. The minutes of the meeting (Annexure 1) reveals that the claim has been rejected on the ground that two brothers of the petitioner are already in employment. The rejection is based on memo dated 19.11.2014 wherein there are certain directions in this regard issued by the General Administration Department. The effect of the said



memo dated 19.11.2014 is in issue. Whether the claim for compassionate appointment can be rejected on the ground of sibling being in employment placing reliance upon memo dated 19.11.2014 (supra), fell for consideration in this Court and finally decided by a Full Bench of this Court, the decision of which is reported in Neeraj Kumar Mallick vs. State of Bihar & ors. 2018(2) PLJR 951.

The Full Bench in para 48 of the judgment has laid down parameters for consideration of claim for compassionate appointment where siblings are in employment. Para 48 of the said judgment is being reproduced for reference:-

“48. In terms of the clarification offered by the department, on receipt of information that other siblings of the applicant are in employment, the competent authority would be required to objectively look into the nature of the employment and the resources being generated by the employed sibling from such employment. On an objective consideration where it is found that other sibling of the applicant is gainfully employed in such an employment from which he/she is in a position and has capacity to provide sustenance/maintenance to the other dependents, the application for appointment on compassionate ground would not fit in the scheme in terms of the clarification at Annexure-„A“ referred above but where it is found that the employment of the other sibling is of such a nature that it is not generating



resources so as to make him able to provide both ends meet, for sustenance/maintenance to the other dependents of the deceased government employee and despite gainful employment of one of the dependents but because of his poor income from such employment he is not in a position to provide two ends meet to the other dependents, therefore they are on the verge of starvation, destitution and penury, the authorities of the State would be liable to consider the application of other dependent for appointment on compassionate ground. No other plea in any form whatsoever would be a ground to provide the benefit of the scheme of compassionate appointment.”

The order rejecting the petitioner’s claim for compassionate appointment in the minutes of the committee dated 12.1.2015 does not disclose any such consideration as has been laid down by the Full Bench in the case of Neeraj Kumar Mallick (supra).

The decision of the District Compassionate Committee dated 19.1.2015 bearing memo No. 3 regarding the minutes of the compassionate committee dated 12.1.2015, in so far as it relates to the petitioner’s claim, stands quashed. The authorities should consider petitioner’s claim afresh in light of the law as declared by the Full Bench taken note of hereinabove. The claim of the petitioner should be considered expeditiously



without any undue delay and preferably within a period of three months from the date of receipt/production of a copy of this order.

The writ petition stands allowed.

(Madhuresh Prasad, J)

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