

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 6915 of 2019

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Kumar Deepak Verma, aged about 34 years, Male, S/o Late Birendra Kumar Verma at Shivram enclave, Flat No 103, Pragati Nagar, Shaguna More, P.S. - Danapur, District - Patna

... .. Petitioner/s

Versus

1. The State Of Bihar through Principal Secretary, Department of Home, Government of Bihar, Patna.
2. Compassionate Appointment Committee, Bihar Police, Bhawan Nirman Nigam, Kautaliya Nagar, P.S. - B.V. Collage, Patna - 14.
3. Managing Director, Bihar, Police Building Construction Corporation Kaytaliya Nagar, P.S. - B.V. Collage, Patna - 800014.
4. Secretary, Bihar Police, Bhawan Nirman Nigam, Kautaliya Nagar, P.S. - B.V. Collage.Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : M/s Sanjay Kr Pandey, Manoj Kr, Advocates
For the Respondent/s : Mr Saroj Kr Sharma, AC to AAG III

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

3 29-05-2019 Matter has been listed today in the Summer Vacations as the learned counsel for the petitioner was desirous for consideration of his case during vacation.

The slip for listing was filed pursuant to notice dated 08th May 2019, published prior to the vacation.

Matter is, accordingly, taken up for consideration as both parties are present and willing to assist the Court for disposal of the matter.

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

Claim of the petitioner for compassionate



appointment is said to have been rejected relying upon the General Administrative Department Guidelines dated 19.11.2014 based on the letter dated 10.05.2010 bearing No 1781 issued by the General Administrative Department which contains stipulation that in case one of the siblings being in employment, the claim for compassionate appointment of another sibling will not be considered.

Parties are in agreement that the said issue now stands settled by the Full Bench decision of this Court in the case of Niraj Kumar Mallick & Ors -Versus- The State of Bihar through Secretary, Rural Works Department & Ors, 2018 (2) PLJR 951. The said judgment has laid down the parameters for consideration in paragraph 48 thereof which 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.”

In light of the legal position taken note of herein above, since reconsideration has to be done by the respondent authorities themselves in light of the Full Bench decision taken note of herein above, keeping the writ petition pending will serve no purpose.

Let the petitioner's claim be reconsidered in light of the aforesaid judgment expeditiously in the next meeting of the Compassionate Appointment Committee after communication of the order.

Writ petition stands disposed of.

(Madhuresh Prasad, J)

M.E.H./-

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