

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7768 of 2015

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Ritesh Kumar Son of Late Nand Kumar, Resident of Village- Laliya Dih, P.S.
Haveli Kharagpur in the district of Munger

... .. Petitioner

Versus

1. The State Of Bihar through the Principal Secretary, Home (Jail) Department, Government of Bihar Patna
2. The Inspector General Jail, Govt. of Bihar, Patna.
3. The Principal Secretary, General Administration Department, Govt. of Bihar, Patna.
4. The Collector-cum- Chairman, District Compassionate Appointment Committee, Munger.
5. The Principal Secretary, Finance Department, Govt. of Bihar, Patna.
6. The Jail Superintendent, Barh Jail, Patna.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar
For the Respondent/s : Mr.Sc17-Arbind Kumar No. Ii

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 30-04-2019 Heard learned Counsel for the petitioner and the
learned Counsel for the respondent State.

The claim of the petitioner for compassionate appointment on account of death of his father in harness on 11.3.2012 has been rejected by the respondent authorities on the ground that two brothers of the petitioner are already in employment.

The claim of the petitioner has been rejected without considering the effect of the circular dated 10.5.2010 issued by the General Administration Department bearing No. 1781.



Recently the Full Bench of this Court in the case of ***Niraj Kumar Mallick vs. State of Bihar*** has considered the effect of the said circular and clarified the position in para 48 of the said judgment in the proceedings arising out of CWJC No. 17143 of 2016 and 19713 of 2016. The Full Bench has in para 48 of the said judgment laid down the scope of consideration of such claim where a sibling is already in employment.

In view of the aforesaid situation, this Court would consider it appropriate to direct that having regard to the observations of the Full Bench in the case of ***Niraj Kumar Mallick (supra)*** the authorities should consider the claim of the petitioner for compassionate appointment.

The issue is of 2012, therefore this Court would only observe that the authorities should consider the claim expeditiously, without any undue delay and preferably at the next meeting of the District Compassionate Committee subsequent upon receipt/production of a copy of this order.

The writ petition stands disposed of.

(Madhuresh Prasad, J)

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