

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14193 of 2014

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Sanjay Kumar Son of Late Chandradeo Rai, Resident of Village- Rupaspur,
P.S.- Rupaspur, P.O.- Shastri Nagar, District- Patna

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary (Establishment),
Government of Bihar, Patna
2. The District Magistrate Cum-Chairman, District Compassionate Committee,
District- Patna
3. The Deputy Collector Establishment, Patna
4. The Superintending Engineer, National High Way, Work Circle, Road
Construction Department, Patna
5. The Executive Engineer, National High Way, Division Guljarbagh, Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Anirudh Kumar Sinha
For the Respondent/s : Mr.Gp18- Vivek Prasad

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 20-08-2019 Heard counsel for the petitioner and counsel for the
respondents-State.

Petitioner is legal heir whose father died on
06.01.2012 while working on the post of peon in National
Highway Division, Guljarbagh, Patna. Claim of compassionate
appointment of the petitioner has been rejected at the meeting of
the District Compassionate Committee dated 28.06.2014.
Rejection merely records that report of the Circle Officer to the
extent that three of the brothers live separately and one sibling
in government employment appears to be doubtful.

Placing reliance upon Resolution dated 30.11.1984 of



the Personnel Administrative Reforms Department, claim has been rejected.

Issue whether employment of one of the siblings per se can be relied to reject the claim of compassionate appointment has been dealt with by a Full Bench of this court in the case of Niraj Kumar Mallick vs. State of Bihar reported in 2018(2) PLJR 951.

Para 48 of the said judgment lays down parameter for consideration for compassionate appointment of the dependent of the deceased in harness, whose sibling is in government employment.

Enquiry as per law declared by the Full Bench apparently has not been done. Even the enquiry as contemplated under clause 8 of the Resolution dated 30.11.1984 has not been done. Rejection of the petitioner's claim is therefore, unsustainable in the eye of law.

Minutes of the District Compassionate Committee dated 21.07.2014 , in the circumstance, in so far as it relates to the petitioner is hereby quashed. Respondents are directed to reconsider petitioner's claim and take decision afresh as per mandate of decision of Full Bench in the case of Niraj Kumar Mallick (supra), and other requirements as per law.



Let final decision be taken by the authorities within
three months from the date of receipt/production of a copy of
this order.

Writ petition is disposed of.

(Madhuresh Prasad, J)

s.hassan/-

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