

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6195 of 2019

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Kamal Kumar Son of Late Parmanand Tiwary Resident of Village-Shital Bhakurahar, P.O. Mani Bhakurahar, P.S. Sarai, District-Vaishali at Hajipur.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Public Health Engineering Department, Government of Bihar, Patna.
3. The Engineer-in-Chief, Public Health Engineering Department, Government of Bihar, Patna.
4. The District Compassionate Committee, Vaishali at Hajipur through the Chairman-cum-District Magistrate, Vaishali at Hajipur.
5. The Executive Engineer, Public Health Division, Hajipur, District-Vaishali at Hajipur.

... .. Respondent/s

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Appearance :

For the Petitioner : Ms. Anita Kumari, Advocate
For the Respondents : Mr. Arvind Ujjwal (SC-4)

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL JUDGMENT

Date : 22-04-2019

Heard the learned counsel for the parties.

2. The claim of the petitioner for being appointed on compassionate ground on the death of his father who was in government service and had died in harness, has been rejected on the sole ground of one of the brothers of the petitioner being in government service. There is no statement in the writ petition indicating that the District Compassionate Appointment Committee was made known



the fact that the brother of the petitioner, who is in government service, is not looking after the family, thus leaving the family in a state of destitution.

3. From the perusal of the order rejecting the claim of the petitioner also, this fact does not get reflected that any consideration was made on that issue. It may also however be stated that such consideration would have been required, provided the petitioner had made a categorical/upfront disclosure of such fact.

4. In any view of the matter, the aforesaid aspect is required to be looked into by the concerned committee before rejecting the claim of the petitioner.

5. Under the aforesaid circumstances, the petitioner is directed to make a representation before the District Magistrate, Vaishali at Hajipur (respondent no. 4) in his capacity as Chairperson of the District Compassionate Appointment Committee, Vaishali at Hajipur within a period of four weeks from today, detailing the reasons why the claim/request of the petitioner be



revisited by the District Compassionate Appointment Committee, who on receipt of the same, and on finding that the claim of the petitioner is worth reconsideration under the scheme of compassionate appointment shall cause the case of the petitioner to be kept on the agenda of the District Compassionate Appointment Committee and a decision be taken with respect to the compassionate appointment of the petitioner, within a period of four months thereafter.

6. With the aforesaid direction/observation, the writ petition is disposed of.

(Ashutosh Kumar, J)

krishna/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	26.04.2019
Transmission Date	

