

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6149 of 2015

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Randhir Kumar son of Late Raj Kishore Paswan, Resident of Village- Jahana,
P.s.- Bind, Dist.- Bihar Sharif at Nalanda.

... .. Petitioner

Versus

1. The State Of Bihar
2. The District Magistrate, Bihar Sharif, Nalanda.
3. The Superintendent of Police, Nalanda, Bihar Sharif.
4. The Deputy Collector Establishment Nalanda.
5. The S.D.O. Hilsa, Dist. Nalanda.

... .. Respondents

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Appearance :

For the Petitioner/s	:	Mr. Subodh Prasad Mr. Satya Prakash
For the Respondent/s	:	Dr. Mankeshwar Tiwari, AC to AAG 3

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

5 23-04-2019 Heard learned Counsel for the petitioner and the
learned Counsel for the respondent State.

Counsel for the petitioner submits that merely because one of the brothers of the applicant is employed in CRPF claim of the petitioner for compassionate appointment has been rejected. Counsel for the petitioner further submits that the deceased has left behind his wife and two children and his brother's nature of employment is not such so as to provide means for maintenance of other dependents. This aspect of the matter has not been considered by the authorities. It is, therefore, prayed that in light of the decision of the Full Bench in the case of *Niraj Kumar Mallick vs. State of Bihar* passed in



CWJC No. 17143 of 2016 the respondents be directed to reconsider the matter so as to examine entitlement of the petitioner for compassionate appointment in terms of the law as laid down in the Full Bench judgment. The Full Bench judgment has been passed in the background of General Administration Department letter dated 10.5.2010. The Full Bench has clearly held that the authorities are required to consider claim of the applicant for compassionate appointment, even if one of the legal heirs is already in employment having regard to nature of the employment of the other legal heir so as to verify whether the same is sufficient to provide for and maintain the other dependents.

Having regard to the submission of the petitioner's Counsel the writ petition is disposed of with a direction to the District Compassionate Committee to re-examine the claim of the petitioner in light of the law declared by the Full Bench in the case of **Niraj Kumar Mallick (supra)**.

(Madhuresh Prasad, J)

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