

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13262 of 2019

Sanjay Kumar S/o- Late Ramjivan Prasad @ Ramji Prasad R/o Village and
P.O.- Khojpura, P.S. Telhara, District- Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Home Department, Govt. of Bihar, Patna.
2. The District Magistrate, Patna.
3. The Senior Superintendent of Police, Patna.
4. The Superintendent of Police, Patna.
5. The Circle Officer Ekangarsarai, District- Nalanda.
6. The Branch Manager, State Bank of India Ekangarsarai Branch, District- Nalanda.
7. Indu Devi Widow of- Late Ramjivan Prasad R/o Village and P.O.- Khojpura, P.S.- Telhara, District- Nalanda.
8. Ajay Kumar S/o- Late Ramjivan Prasad R/o Village and P.O.- Khojpura, P.S.- Telhara, District- Nalanda.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Ashok Kumar Prasad, Advocate Mr. Dheeraj Kumar, Advocate
For the Respondent/s	:	Mr. Manish Kumar (Gp4)
For the Bank	:	Mr. Kaushlendra Pd. Singh, Advocate Mr. Sunil Kr. Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL JUDGMENT

Date : 04-07-2019

Heard the learned counsel for the parties.

2. The petitioner has approached this Court for the purposes of securing a negative interdict for the respondent no. 4 in offering compassionate appointment to his younger brother.

3. This Court is at a loss to know as to how this writ petition would be maintainable in the present form.



4. However the facts which can be gathered from the averments made in the writ petition are as hereunder.

The father of the petitioner died in harness. Thereafter, there was a private arrangement between the heirs of the deceased employee that the death benefits shall be pocketed by the petitioner who is the elder son of the deceased employee whereas the younger brother of the petitioner viz. Ajay Kumar would be entitled to claim compassionate appointment in place of the deceased employee. It is the allegation of the petitioner that his mother (wife of the deceased employee) in conspiracy with her younger son i.e. the younger brother of the petitioner are making attempts to take the post retiral/death benefits of the deceased employee and the younger brother also is trying for compassionate appointment in the department.

5. It has been submitted that these facts ought to be taken into account before giving compassionate appointment to the younger brother of the petitioner.

6. It has further been submitted that a representation to that effect has been made by the petitioner before the Senior Superintendent of Police, Patna but the petitioner has not yet been communicated whether such representation has been forwarded to the District Compassionate Appointment Committee where decision in that regard is to be taken.



7. Under the aforesaid circumstances, this Court only directs the petitioner to make a fresh representation before the Senior Superintendent of Police, Patna (respondent no. 3) who shall forward the aforesaid representation before the District Compassionate Appointment Committee which shall take a decision after taking into account the aforesaid facts.

8. With the aforesaid direction/observation, the writ petition stands disposed of.

(Ashutosh Kumar, J)

krishna/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	06.07.2019
Transmission Date	

