

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19225 of 2019

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Ravi Shankar S/o Late Ramdeo Thakur R/o Vill.- Chhotki Delha, Gusal Khana Road, P.O.- Gaya, P.S.- Delha, District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar Through Principal Secretary, General Administration Department, Govt. of Bihar, Patna.
2. The District Magistrate, Gaya -cum- Chairman District Compassionate Committee, Gaya.
3. The Deputy Collector (Estt.) Gaya.
4. The Civil Surgeon-cum- Chief Medical Officer Gaya.
5. The In-charge Medical Officer Primary Health Centre, Gurua, District- Gaya.
6. Smt. Tara Devi @ Tara Kumari D/o Munshi Thakur R/o Village- Chhotki Delha, P.O. and P.S.- Delha, District- Gaya, At present residing at Karma Road, Police Line, Aurangabad, P.O. and P.S. and District- Aurangabad.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Rajeev Kumar Singh
For the Respondent/s : Mr.Manish Kumar (GP-4)

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

3 04-11-2019 Heard learned counsel for the parties.

2. It is admitted in the writ petition that respondent No.6 is legally married wife of late Shashi Bhusan Prasad, who died in harness, while working as Health Worker. The petitioner is brother of the said deceased employee. A decision has been taken by the District Compassionate Appointment Committee, Gaya on 27.04.2018, recommending name of respondent No.6 for her appointment on compassionate ground, consequent upon the death of her husband late Shashi Bhusan Prasad. The said



decision of the Committee in its meeting held on 27.04.2018 is being assailed in the present writ application. Respondent No.6 has been appointed on compassionate ground, in the light of recommendation made by the Committee, by an order dated 30.05.2018, issued by the Civil Surgeon-Cum-Chief Medical Officer, Gaya on the post of Family Welfare Worker at Primary Health Centre, Gurua, Gaya. The said letter dated 30.05.2018, appointing respondent No.6 on compassionate ground is also under challenge.

3. The ground which the petitioner has taken to question appointment of respondent No.6 on compassionate ground is that she had deserted the deceased employee and had filed complaint case against him and his family members alleging commission of offences punishable under Sections 498A, 279 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act. It has also been asserted that the deceased employee had also filed a complaint case against respondent No.6. An application seeking dissolution of marriage was also filed before the Principal Judge, Family Court, Gaya by the deceased employee.

4. In the aforesaid background, the petitioner claims that he being brother of the deceased employee should be



appointed on compassionate ground and appointment of respondent no.6, in the facts and circumstances, is unreasonable and arbitrary.

5. The fact remains, however, that respondent No.6 was legally married wife of deceased employee on the date of his death. In such circumstance, the decision of the District Compassionate Appointment Committee to recommend her name for appointment on compassionate ground cannot be said to be illegal on the ground of pendency of the criminal cases and application seeking dissolution of marriage. The petitioner has not been able to make out a case for his appointment on compassionate ground nor a case to successfully question the correctness of the decision of the District Compassionate Appointment Committee.

6. I do not find any merit in this application, which is, accordingly, dismissed.

(Chakradhari Sharan Singh, J)

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