

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16165 of 2016

Subash Kumar Choudhary, Son of Late Surendra Choudhary, resident of Village and P.O.- Tejpura, P.S.- Obra, District- Aurangabad.

... .. Petitioner/s

Versus

1. The State Of Bihar.
2. The Principal Secretary, Department of Home, Government of Bihar, Patna.
3. The Under Secretary, Department of Home, Government of Bihar, Patna.
4. The Director General of Police, Bihar.
5. The Deputy Inspector General of Police Budget/Appeal/Welfare, Bihar, Patna.
6. The Commissioner, Koshi Division, Saharsa.
7. The Collector, Madhepura.
8. The Deputy Collector Establishment, Madhepura.
9. The Superintendent of Police, Madhepura.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. D.K. Sinha, Sr. Advocate
		Mr. Abhinay Raj, Advocate
For the Respondent/s	:	Mr. AC to GA-4

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

5 09-08-2019 Heard learned counsel for the petitioner and learned counsel for the State.

In this case, the claim of the petitioner for compassionate appointment, on account of death of his father in harness on 30.04.2012 while working as Constable in the office of Superintendent of Police, Madhepura, has been rejected on the ground that one of his brother is in government service.

Counsel for the petitioner has placed reliance on the judgment of Full Bench in the case of *Niraj Kumar Mallick Vs.*



State of Bihar and Ors. reported in 2018 (2) PLJR 951 in terms of paragraph 48 which delineates that in certain circumstances even the other sibling is earning and not generating the fund to provide sustenance of family would be considered for compassionate appointment.

In such view of the matter, the Authorities concerned should consider the claim of the petitioner in the light of paragraph 48 of the said judgment.

With this observations and directions, this writ application stands disposed of.

(Shivaji Pandey, J)

V.K.Pandey/-

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