

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.351 of 2019**

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Archana Kumari Daughter of Late Naresh Choudhay, Resident of Village-  
Neouri, P.S.- Belaganj, District- Gaya.

... .. Petitioner

Versus

1. The State Of Bihar through the Principal Secretary, Department of Health,  
Government of Bihar Patna
2. Director in Chief, Health Services, Government of Bihar, Patna.
3. District Magistrate cum Chairman, Compassionate Appointment Committee,  
Patna.
4. Deputy Collector Establishment, Patna.
5. Civil Surgeon cum Chief Medical Officer, Primary Health Centre, Punpun,  
Patna.
6. Incharge Medical Officer, Primary Health Centre, Punpun, Patna.
7. Seema Devi, Wife of Late Naresh Choudhary, Resident of Village- Neouri,  
P.S.- Belaganj, District- Gaya.

... .. Respondent/s

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**Appearance :**

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| For the Petitioner/s | : | Mr. Banwari Sharma<br>Mr. Shiv Kumar |
| For the Respondent/s | : | Mr.Nagendra Prasad Yadav -Sc23       |

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**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD**  
**ORAL ORDER**

2      11-07-2019                      Petitioner is daughter of the deceased employee Naresh Choudhary who died in harness on 3.7.2017 while working as Basic Health Worker. The claim of the petitioner for compassionate appointment was rejected by the authorities by assigning a reason that son of the deceased employee is gainfully employed and therefore as per decision of the State Government in the General Administrative Department dated 19.11.2014 the petitioner's claim for compassionate appointment is not tenable.

Mr. Shrma appearing for the petitioner submits that the decision of the State Government dated 19.11.2014 was



subject matter of the issue considered by a Full Bench of this Court in the case of Neeraj Kumar Mallik vs State of Bihar reported in 2018 (2) PLJR 951. Drawing the attention of the Court towards observations made in para 48 it is submitted that claim of the petitioner is also to be examined by the respondent authorities in light of the observations made by Full Bench in the said judgment.

Such consideration has to be done by the respondent authorities themselves for which no adjudication is required in the instant proceeding. Pendency of the writ proceeding would be futile.

The issue is therefore remanded to the District Magistrate, Patna to reconsider claim of the petitioner in light of the aforesaid judgment. The authority while considering claim of the petitioner should be conscious of the provisions contained in Clause 4(C ) (i) of the State Litigation Policy 2011 in so far as “covered matters” are concerned.

Let final decision be taken by a reasoned and speaking order in accordance with law, within a period of three months from the date of receipt/production of a copy of this order.

The writ petition stands disposed of.

**(Madhuresh Prasad, J)**

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