

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21205 of 2018

Sanjay Kumar Son of Late Ram Kumar Paswan Resident of Village-
Ismailpur,P.O. Atnawa,P.S. Barh,Distt.-Patna

... .. Petitioner/s

Versus

1. The State Of Bihar through the Secretary, Department of Home,
Government of Bihar.
2. The Principal Secretary,General Administration Department,Govt. of Bihar
3. The Director General of Police, Old Secretariat,Patna
4. The Inspector General of Police (Welfare) Bihar,Patna
5. The Assistant Inspector General of Police (Welfare),Bihar,Patna
6. The Superintendent of Police A, Special Branch,Bihar,Patna

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Sharma
For the Respondent/s : Mr.Manish Kumar - Gp4

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL JUDGMENT

Date : 16-11-2021

In the instant petition, petitioner has prayed for following
relief/reliefs:

“The instant application is for issuance of writ of Certiorari for quashing/setting aside the order of Superintendent of Police, Special Branch Vide Memo No. 2783 dated 18.06.2017 by which the claim of petitioner for appointment on the compassionate ground which was submitted by petitioner’s mother was rejected, assigning the reason that one of sons of deceased father is already in Government Job and as per General Administration Circular सं० 22/अनु० 05/2014/सा० प्र० 15783/ पटना 15 dated 19.11.2014 and as per above circular your son Sanjay Kumar is not entitled to take the benefit to be appointed on compassionate ground and rejection of petitioner’s claim was without making enquiry regarding the financial status of gainful employed son on the post of Group ‘D’ Service, can capable and have sufficient



salary so as to provide the both ends meet to the other sibling of deceased father, who died in harness.”

Undisputed facts are that petitioner's father died on 02.06.2017. He had submitted application on 17.06.2017 seeking compassionate appointment which was rejected on 18.06.2017 on the score that one of the family member is employed in the Central Government. Such a decision of the respondent is pursuant to the policy decision of the State dated 19.11.2014.

Learned counsel vehemently contended that even though one of the family member is employed in any of the State or Central organization even in such circumstances family income is required to be taken into consideration for the purpose of considering compassionate appointment. On this point, he relied on Full Bench decision of this Court rendered in the case of **Niraj Kumar Mallick vs. The State Of Bihar & Others.**

Per contra, learned counsel for the respondent resisted the contention of the petitioner and submitted that in the light of the State policy decision dated 19.11.2014 and the fact that petitioner's brother is an employee of a Central Government, in the result he is not entitled to compassionate appointment.

Heard the learned counsel for the respective parties. Undisputed facts are that petitioner's father died on 02.06.2017 and petitioner submitted application for compassionate



appointment on 17.07.2017 and it was rejected on 18.08.2017. The Full Bench decision was rendered by this Court in the case of **Niraj Kumar Mallick vs. The State Of Bihar & Others** was on 02.05.2018. This Court has taken note of 19.11.2014 policy decision relating to the compassionate appointment. Even the issue relating to financial support to the family with reference to one of the member being employed by State/Central Organization. In the light of the Full Bench decision, the matter requires to be re-examined by the Competent Authority who has issued the memo dated 18.06.2017 and rejected petitioner's application. Therefore, the competent authority is hereby directed to re-examine the petitioner's grievance relating to compassionate appointment in the light of the Full Bench decision of this Court stated *Supra*. The above exercise shall be completed within the period of two months from the date or receipt of this order. Communicate the afresh decision to be taken to the petitioner within the aforesaid period.

With the aforesaid observation, petition stands disposed of.

(P. B. Bajanthri, J)

GAURAV S./-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

