

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16167 of 2018

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Nilam Kumari, wife of Late Manish Kumar, resident of Village and P.O.-
Laalganj Sehra, P.S.- Paliganj, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the District Magistrate, Patna
2. The District Magistrate-cum-Chairman, District Compassionate Appointment Committee, Patna.
3. The Chief Engineer, Minor Water Resource Department, Patna.
4. Rajesh Kumar, son of Late Akhilesh Kumar, resident of Village + PO-
Lalganj Sehra, P.S.-Paliganj, District-Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Nikhil Kumar Agrawal, Advocate
For the Respondent/s : Mr. Kapileshwar Pd. Yadav- GP-11

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT

Date : 21-06-2021

The matter has been heard *via* video
conferencing.

2. Heard learned counsel for the petitioner and
learned counsel appearing on behalf of the respondents.

3. The grievance of the petitioner in the present
writ petition is that on the basis of misleading
information regarding earning furnished by respondent
No. 4 as Rs. 30,000/- per month who is one of the
members of the family, the case of the petitioner for



compassionate appointment was not considered.

4. Mr. Nikhil Kumar Agrawal, learned counsel appearing on behalf of the petitioner would submit that the aforesaid information is misleading. There is no basis to form an opinion that the earning of the family is Rs. 30,000/- per month and therefore the family is in a position to tide over the financial crisis.

5. The respondents who have relied upon the version of respondent No. 4 as such in this proceeding, he has been noticed but despite notice, no one has appeared on behalf of respondent No. 4 to assist the Court.

6. The Court in the peculiar facts of this case is of the view that the decision of respondents is based on *non-est* ground and as such unsustainable in the eye of law.

7. Accordingly, the writ petition is allowed.

8. The respondents are under an obligation to either accept the claim of the petitioner for



compassionate appointment or make independent enquiry with regard to the financial position of the family of the petitioner. Necessary enquiry in this regard must be completed within a period of four months from the date of receipt/production of a copy of this order and thereafter final decision with regard to compassionate appointment shall be taken. If no independent material is available claiming earning of family of the petitioner as Rs. 30,000/- per month then the respondents shall be under an obligation to consider the case of the petitioner for compassionate appointment ignoring the affidavit of the respondent No. 4 claiming earning of the family as Rs. 30,000/- per month.

9. With the aforesaid observation/direction, the writ petition stands disposed off.

(Anil Kumar Upadhyay, J)

Shageer/-

AFR/NAFR	NAFR
CAV DATE	N/A
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