

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.8193 of 2021**

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Jyotish Kumar Son of Late Sanjay Kumar Resident of Mohalla - Mirzapur  
Lohta, P.S. - Fatuha, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Urban Development and Housing Department, Patna.
2. The Principal Secretary, Urban Development and Housing Department, Patna.
3. The Deputy Secretary, Urban Development and Housing Department, Patna.
4. The Executive Officer, Nagar Parishad Fatuha (Patna).

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Krishna Chandra, Advocate  
For the Respondent/s : Mr. Kinkar Kumar, SC 9

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**CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI**

**ORAL JUDGMENT**

**Date : 08-03-2022**

Heard learned counsel for the parties.

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

“i. For issuance of appropriate writ/writs, direction/directions or order/orders especially in the nature of Mandamus for taking appropriate decision looking to the financial conditions of the deceased family for appointment of the petitioner on compassionate grounds, without any inordinate delay.

ii. For issuance of direction upon the Respondents to make payment of Benefits along with interest accrued in favour of the petitioner and his family members.

iii. For further kind indulgence of this Hon’ble Court to look into the matter and the concerned respondents may be directed to produce all connected records for perusal for passing an appropriate order.



iv. For any other relief/reliefs, which the Hon'ble Court may grant in general interest, that may be deemed appropriate and necessary in this case."

3. In terms of Annexure – 5, dated 25.05.1989 petitioner has made out a case that application for compassionate appointment is within five years from the date of death of petitioner's father. In the light of these facts and circumstances, petitioner's claim for compassionate appointment is required to be examined.

4. The learned counsel for the petitioner on instruction submitted that petitioner's claim has not been considered due to various internal correspondence among the officials on the score that petitioner's father was appointed on compassionate ground. In such a event, petitioner is entitled to be appointed on compassionate ground or not?

5. There cannot be any hurdle if a person appointed on compassionate ground and he died while he was in service that his kith and kin are not entitled to compassionate appointment. In the light of these facts and circumstances the appointing authority is hereby directed to examine petitioner's claim for compassionate appointment since such application is stated to be pending consideration from 16.02.2018 with reference to the petitioner's father death dated 28.06.2014.



6. A detailed speaking order shall be passed and communicated to the petitioner as to whether petitioner is entitled to compassionate appointment or not within a period of two months from the date of receipt of this order, failing which, petitioner is entitled to litigation cost and it is quantified @ of Rs. 25,000/-.

7. With the above observations, writ petition stands disposed off.

**(P. B. Bajanthri, J)**

GAURAV S./-

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