

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6261 of 2021

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Balmiki Pathak, Son of Trilokinath Pathak, Resident of Village-Hujhujipur,
P.O.- Tiyat @ Tiyan, P.S.- Aandar, District- Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Director General of Police, Bihar, Patna.
3. The D.I.G. of Police, Patna Range, Patna.
4. The A.I.G. of Police, Welfare, Bihar, Patna.
5. The Senior S.P., Patna.
6. The Dy. S.P. (Reserve), New Police Line, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ram Hriday Prasad, Advocate
For the Respondent/s : Md. Nadim Seraj, G.P.-5

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

6 16-09-2022 Today being Friday, matters are being taken up

through virtual mode as per current procedure for hearing.

Heard learned counsel for the petitioner and the

learned State Counsel.

The petitioner claims to be elder brother of one Savita

Kumari Pathak, Lady Constable, who died in harness.

It is the submission of the learned counsel for the

petitioner that being elder brother, the petitioner was wholly

dependent on his sister for sustaining his livelihood. She was

unmarried and therefore, the petitioner should be considered for

grant of compassionate appointment.



The learned State Counsel has referred to the averments made in the counter affidavit. It is the specific case of the respondent-State that the petitioner does not come within the definition of dependent of the employee deceased in harness, as per the scheme of compassionate appointment. That being so, the petitioner has no legal basis to sustain his claim.

There is no denial of these averments made by the State in its counter affidavit. This position is not disputed by the petitioner.

Learned counsel for the petitioner, however, submits that to meet the ends of justice, since the petitioner was dependent on his sister, he may be offered compassionate appointment.

Such claim of the petitioner, since it does not come within the scheme of compassionate appointment, cannot be enforced by a writ proceedings. No case is made out for any direction.

Writ petition is dismissed.

(Madhuresh Prasad, J)

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