

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5085 of 2020

Niraj Kumar, Son of Late Bhupendra Singh, Resident of Village- Gorour, P.O. and P.S.- Chhabilapur, District- Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through Commissioner-cum-Secretary, Home (Special), Government of Bihar, Patna.
2. The Commissioner-cum-Secretary, Home (Special), Government of Bihar, Patna.
3. Commissioner-cum-Secretary, Department of Personnel and Administrative Reforms, Government of Bihar, Patna.
4. Director General of Police, Bihar, Patna.
5. Inspector General of Police, (Budget/Appeal/Welfare), Patna.
6. Deputy Inspector General of Police, Central Range, Patna.
7. Senior Superintendent of Police, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Mahendra Prasad Bhartee, Advocate
		Ms.Lilawati Singh, Advocate
For the Respondent/s	:	Mr.Dhurendra Kumar, AC to GP5

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 05-09-2022 The petitioner's mother died in harness, while serving as a Lady Constable, on 29.02.2000. The petitioner at that point of time was a minor, his date of birth, as per Aadhaar Card annexed in the writ petition, being 11.10.1996. The petitioner, after attaining majority on 11.10.2014, made first application for compassionate appointment on 17.04.2015 i.e. within one year from attaining majority. The same has been rejected by the respondent-Authorities by order dated 04.08.2019 (Annexure-2). The ground for rejection is that application was not filed



within five year from the date of death of the employee in harness and, therefore, application was time barred.

Learned Counsel for the petitioner submits that the petitioner should have been considered for compassionate appointment in view of the Government decision as communicated under letter dated 30.08.2019 issued by the Government of Bihar in the General Administration Department enabling such dependents who were minor at the time of death of the employee in harness to make an application for compassionate appointment within a year from the date of attaining majority.

The said submission is based on copy of the letter, which is being placed on record.

Since the Authorities have not considered the petitioner's claim with reference to the said decision, the matter is remanded for consideration afresh in light of the said communication.

If the petitioner approaches the Respondent No.5 with a copy of this order within two weeks then the petitioner's claim shall be considered within a period of eight weeks thereafter by a reasoned and speaking order.

The earlier rejection dated 04.08.2019 shall not stand



in the way of reconsideration.

Writ petition stands allowed.

(Madhuresh Prasad, J)

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