

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4745 of 2022

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Alok Kumari @ Alok Mishra, aged about 20 years, Female, D/o Late Narmdeshwar Mishra Resident of Baide Kori, Kumhaila, VTC- Charpokhari, P.O.- Charpokhari, P.S.- Charpokhari, District- Bhojpur at Ara, State- Bihar.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of Minor Irrigation, Government of Bihar.
2. The Under Secretary, Department of Minor Irrigation, Government of Bihar.
3. The Chief Engineer, Minor Irrigation, Government of Bihar.
4. The Chief Engineer (Planning, Monitoring and Geological), Minor Irrigation, Government of Bihar.
5. The Superintendent Engineer, Minor Irrigation, Government of Bihar, Patna.
6. The Collector-cum-Head District Compassionate Committee, Bhojpur.
7. The Executive Engineer, Minor Irrigation Pramandal, Bhojpur at Ara.

... .. Respondents

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Appearance :

For the Petitioner	:	Mr. Rajiv Ranjan Kr. Pandey, Adv. Mr. Kritya Nand Jha, Adv.
For the State	:	Mr. Ajit Kumar, GA-9 Mr. Manoj Kr. Sinha, AC to GA-9

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

7 30-11-2022 Heard learned counsel for the petitioner and learned counsel for the State.

2. The admitted position on record is that the petitioner is beneficiary of pension of the employ who died in harness namely late Shri. Narmdeshwar Mishra. The Government recognising the petitioner as legal heir, adopted daughter has been paying pension since death of her father i.e., on 9th January, 2004. Insofar as her claim for appointment on compassionate ground, the same has been rejected by raising an



issue that there is no proof of valid adoption. This Court is not inclined to uphold the self contradictory stand of the State, though, they have been paying pension since, 2004 to the petitioner insofar as her claim for compassionate appointment is concerned, has been rejected by the impugned order dated 24.11.2022, as contained in Annexure-B to the supplementary counter affidavit. This Court does not find the said order to be sustainable.

3. In view of the above noted fact, the writ petition is allowed. The Authority is directed to reconsider the petitioner's claim for grant of compassionate appointment, as per rule, without raising the objection of the petitioner not being a validly adopted daughter. While doing so, the impugned order dated 24.11.2022, as contained in Annexure-B to the supplementary counter affidavit, issued by the Superintendent Engineer-cum-Technical Secretary-cum-Incharge Chief Engineer, Minor Water Resource Department, Patna, should not come in the way.

(Madhuresh Prasad, J)

Raj kishore/-

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