

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9929 of 2019

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Lakho Devi @ Lukho Devi, aged about 47 years, Gender- Female, W/o Late Sikandar Paswan R/o Village and P.O.-Sabnima, P.S.-Athamalgola, District-Patna

... .. Petitioner

Versus

1. The State of Bihar through Director General of Police (Home), New Secretariat, Bihar, Patna, Beli Road, Patna
2. The District Compassionate Committee through the chairman-cum-District Magistrate, Patna
3. The Deputy Collector, Patna District-Patna
4. The Senior Superintendent of Police, Patna District-Patna
5. The Sub-Divisional Officer, Barh District-Patna
6. The Circle Officer, Athmalgola District-Patna
7. The State House Officer, Athmalgola Police Station District-Patna

... .. Respondents

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Appearance :

For the Petitioner	:	Mr. Bauye Jee Jha (B.J. Jha) with Mr. Bimlendu Kumar Jha, Advocates
For the State	:	Mr. Dhurendra Kumar AC to GP-5

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL JUDGMENT

Date : 12-12-2022

Heard learned counsel for the petitioner and learned counsel for the State.

2. The petitioner's claim for appointment of her son on compassionate ground has been rejected by the District level *Chaukidar/Dafadar* Compassionate Committee, in its meeting dated 22.02.2022. The reason that has been assigned is that the petitioner has made application for appointment of her son after 21 years of demise of his father, who died while in harness,



working as *Choukidar* on 28.7.2001. The Committee was considering the petitioner's claim as if application had been submitted on 17.02.2022. The petitioner, however, claims that her application for appointment of her was submitted on 18.08.2018. It is submission of the petitioner's counsel that the son of petitioner was born on 04.06.2000. At the time of his father's demise, he was just more than one year old. As per the departmental norms, she was required to submit the application within a year of attaining his majority and the petitioner has made his application on 18.08.2018, within months after attaining majority. To verify this factual dispute this Court, under the earlier orders, has asked the State counsel to verify the same with reference to the file showing consideration of the petitioner's claim for compassionate appointment of her son. Having examined the issue with respect to the original file, he has fairly submitted that the application (Annexure-6 to the writ application) finds mentioned in the file relating to consideration of the petitioner's claim for compassionate appointment. That being so, the reason assigned by the Committee, in its meeting dated 22.02.2022, is clearly unsustainable in facts as well as in law. The proceedings dated 22.02.2022, as contained in Memo No. 850 dated 17.03.2022, insofar as the petitioner is concerned,



is thus, quashed.

3. Treating the petitioner's application to be dated 18.08.2018, subject to other conditions being satisfied, the District Compassionate Committee through the Chairman-cum District Magistrate, Patna (Respondent No.2) is directed to consider her claim afresh expeditiously and preferably within a period of eight (08) weeks from the date of receipt/production of a copy of this order. The consequential benefits of such consideration, also are required to be extended to the petitioner within a period of four (04) weeks thereafter.

4. The writ petition is allowed.

(Madhuresh Prasad, J)

shyambihari/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	24-12-2022
Transmission Date	

