

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8960 of 2022

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Sonu Kumar, S/o Bashishta Prasad, Resident of Village and P.O.-
Raghunathpur, District- Siwan (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Ministry of Health and Public Welfare, Government of Bihar, Patna.
2. The District Magistrate and Chairman, of the Companionate Appointment Committee of the District Siwan.
3. The Chief Medical Officer, District Siwan.
4. The Incharge Medical Officer, Primary Health Center, District Siwan.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Shiv Shankar Prasad Yadav, Advocate
For the Respondent/s : Mr.Ajay Behari Sinha, GA-8

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL JUDGMENT

Date : 24-08-2022

1. Writ application has been filed seeking a direction upon the respondents to consider the petitioner's claim for appointment on compassionate grounds on account of death of his mother Uma Kumari, in harness on 02.10.2017, while she was working as a nurse at the Primary Health Center at Siswan.

2. Counter affidavit has been filed. The stand of the respondents is that the petitioner's mother was engaged as an Auxiliary Nurse Midwife (for brevity ANM) on a fixed honorarium as per guidelines of the State Health Society, Bihar contained in letter dated 09.10.2007 bearing memo no. 4500. The guidelines prohibits claim for regularization of ANM services. It is also submitted that there is no provision or rule for



compassionate appointment to dependents of an ANM. The petitioner's claim therefore has been held to be untenable.

3. Stand in the counter affidavit is not denied or disputed by the petitioner's counsel. He, however, submits that the petitioner may be permitted to make a representation for claiming compassionate appointment.

4. Since the guidelines under which the petitioner's mother was appointed as ANM on fixed honorarium does not provide any claim for regularization or compassionate appointment to dependents, the petitioner is not in a position to claim compassionate appointment. Situation being undisputed, this Court would observe that allowing the petitioner to make a representation would be an exercise in futility. No case is made out for issuance of any direction to consider the petitioner's claim for compassionate appointment.

5. Writ application is devoid of substance, and dismissed.

(Madhuresh Prasad, J)

shashank/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	
Transmission Date	NA

