

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17804 of 2019

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Md. Shamshad Alam Son of Late Mahmood Alam Resident of Mohalla-
Mahboob Khan Tola, P.S.K. Hat, District- Purnia.

... .. Petitioner/s

Versus

1. The State of Bihar Through the principal Secretary, General Administration Department, Government of Bihar, Patna.
2. The Director General of Police Government of Bihar, Patna.
3. The District Magistrate Purnia.
4. The Superintendent of Police Purnia.
5. The Deputy Collector (Establishment) Purnia.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Shahabuddin Azeem @ S. Azeem
For the Respondent/s	:	Mr. Sheo Shankar Prasad (SC-8)
		Mr. Ruchikar Jha

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 26-08-2022 The writ petition has been filed seeking issuance of a direction to the respondent authorities to issue appointment letter in favour of the petitioner for his appointment on compassionate ground.

The brief fact is that father of the petitioner was a Grade-IV employee in the office of the Superintendent of Police, Purnia; and he died in harness on 29.12.2011. There was delay in making application for compassionate appointment, which was done after the petitioner attained majority.

On the ground of delay in making application, the petitioner's claim for compassionate appointment was rejected.



The petitioner, thus, filed CWJC No. 15697 of 2011 being aggrieved by rejection of his claim for compassionate appointment. The writ petition was disposed of by order dated 14.11.2013.

The matter was remanded to the compassionate committee for consideration afresh within four months.

The Court has made a query from learned counsel for the petitioner, whether the petitioner's claim has been rejected or not. The petitioner's counsel submits that this writ application has been filed after rejection of his claim.

The Court, however, does not find any rejection of the petitioner's claim after disposal of CWJC No. 15697 of 2011.

On the contrary, it is specific stand of the State in paragraph nos. 8 and 9 of its counter-affidavit which read as follows:

“8. That here it is further relevant to point out that the writ petitioner had also filed M.J.C No. 4448/2014 alleging non-compliance of the order passed in C.W.J.C. No. 15697 of 2011 and the answering respondent had also filed show cause in the same at the relevant time.

9. That it appears that it is again that the



present writ has been filed for direction to issue appointment letter in favour of the writ petitioner on compassionate ground and also for other reliefs.”

From the averments made in the I.A. No. 01 of 2022, it is obvious that no order has been passed by the District Compassionate Committee pursuant to and in light of order dated 14.11.2013 passed in the petitioner’s earlier writ petition (CWJC No. 15697 of 2011).

The facts being so, having regard to the pendency of the contempt application filed by the petitioner, there is no occasion for this Court to issue a successive writ for the same purpose at the behest of the same petitioner against same respondents.

This Court would observe that petitioner cannot be permitted to file successive writ petitions, one after the other seeking the same relief, which has been granted in the earlier writ proceedings. If at all the authorities have not complied with the earlier direction of this Court, the petitioner’s remedy would lie in the enforcement of the order passed in the earlier proceedings, in which MJC No. 4448/2014 as per the records is pending. There is no material on record to show that any order has been passed by the authorities after the petitioner’s earlier



writ proceedings, which may require any interference by this Court.

The writ petition is misconceived and dismissed.

(Madhuresh Prasad, J)

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