

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.509 of 2020

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Suman Kumar Choudhary, Son of Late Sunil Dhobi, Resident of Kilaghat,
Wajitpur, Mahdauli, Subhankerpur, P.S. -Town, District- Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The District Tuberculosis Demonstration and Training Centre, Darbhanga.
3. The Additional Director, Tuberculosis Demonstration and Training Centre,
Darbhanga.
4. The Collector Cum Chairman, District Compassionate Committee,
Darbhanga.
5. The Civil Surgeon Cum Chief Medical Officer, Darbhanga.
6. The Deputy Collector, Establishment, Darbhanga.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Girish Chandra Jha, Advocate Mr. Ashish, Advocate
For the Respondent/s	:	Mr.Saroj Kumar Sharma, AC to AAG-3

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 04-07-2022 The petitioner's claim for compassionate appointment

has been rejected under communication dated 16.07.2019 issued

by the Respondent No.3.

The undisputed fact is that the petitioner is son of an
employee who died in harness while working as Washerman in
the office of the Tuberculosis Demonstration and Training
Centre, Darbhanga. The death of the petitioner's father occurred
on 22.02.2018. Thereafter application for compassionate
appointment has been filed within time. The District
Compassionate Committee, relying upon the decision of the



General Administration Department, contained in letter dated 10.11.2014 bearing No.16700, has not found the petitioner's claim for compassionate appointment worthy of consideration on the ground that his elder brother was already employed in the Bihar Government service.

Petitioner's counsel submits that said elder brother of the petitioner does not take care of the petitioner and other dependents of the deceased, for he is separate in mess and lodging. It is also submitted that his income is not sufficient to sustain the needs of the dependents of the employee who died in harness. This aspect of the matter has not been considered by the authority.

Relying upon the decision of the Full Bench of this Court in the case of *Niraj Kumar Mallick vs. State of Bihar, reported in 2018(2) PLJR 951*, specifically paragraphs 47 and 48 thereof, the petitioner's counsel submits that the authorities were under a legal obligation to examine at least whether the income of the brother was sufficient to sustain the dependents of the deceased who died in harness. To this effect, the petitioner would be placing before the competent authority the materials to show that within the parameters laid down in the Full Bench decision in the case of *Niraj Kumar Mallick* (supra), the



petitioner would be entitled to compassionate appointment.

The District Compassionate Committee, headed by Respondent No.4, would consider the said claim of the petitioner without being prejudiced by the rejection of his claim under the impugned order. Let the entire exercise be completed within eight weeks, for which the petitioner should place on record the relevant materials within two weeks.

The writ petition is disposed of with the aforesaid directions.

(Madhuresh Prasad, J)

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