

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2584 of 2023

=====

Babita Kumari @ Vavita Kumari , Wife of Late Akhilesh Paswan, Resident of
Village- Raghapur, P.S.- Rahui, District- Nalanda.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Public Health,
Government of Bihar, Patna.
2. The Executive Engineer, Public Health, Government of Bihar, Patna.
3. The District Magistrate, Nalanda, District- Nalanda.
4. The Circle Officer, Rahui, District- Nalanda.

... .. Respondents

=====

Appearance :

For the Petitioner	:	Mr. Rajesh Kumar Singh, Advocate Mr. Anil Kumar Singh, Advocate
For the State	:	Mr. U.P. Singh, AC to SC-4

=====

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 19-04-2023 Heard learned counsel for the petitioner and the State.

Petitioner in the present case is the widow daughter of
the deceased Government servant who is seeking her
appointment on compassionate ground after death of her father
Late Sahdev Prasad. Late Sahdev Prasad was working as a
Pump Operator in the Public Health Engineering Department
(P.H.E.D.), Khandhar, Nalanda and he died in harness on
11.04.2021.

In the writ application, it is stated that all the children
of the deceased employee leave separately with their family
except the petitioner and she is the one who takes care of her
widow mother and stays with her all the times.



In course of argument, learned counsel for the petitioner has informed that the deceased employee had two sons and both of them are gainfully employed. It is not the case of the petitioner that those who are gainfully employed are unable to maintain their mother who is widow of the deceased employee.

Learned counsel for the State has pointed out to this Court the judgment of the Hon'ble Full Bench in the case of **Niraj Kumar Mallick Vs. the State of Bihar and Others** reported in **2018 (2) PLJR 951**. It is submitted that where two sons of the deceased Government employee are gainfully employed, in view of the Judgment of the Hon'ble Full Bench, in terms of the Government policy, the petitioner cannot be given appointment on compassionate ground. It is submitted that appointment on compassionate ground is not a mode of appointment duly recognized by Articles 14 and 16 of the Constitution of India and the whole purpose of such appointment is only to provide immediate succor to the family of the deceased Government employee. In this case two of his sons are gainfully employed.

Having regard to the submissions recorded hereinabove and the materials available on the record as also



Judgment of the Hon’ble Full Bench in the case of Niraj Kumar Mallick (Supra), this Court is of the considered opinion that no illegality or infirmity may be found with the impugned order rejecting the application of the petitioner for his appointment on compassionate ground. The present case would be covered by the ratio of the Judgment of the Hon’ble Full Bench.

This application is, thus, dismissed.

(Rajeev Ranjan Prasad, J)

lata/-

U			
---	--	--	--

