

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2143 of 2023

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Priyanshu Kumar Son of Late Pramod Kumar Roy, Resident of Ward No. 7,
Forbesganj, P.S. Forbesganj, P.S. Forbesganj, District- Araria.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, General Administration Department, Government of Bihar, Patna.
2. The Under Secretary, General Administration Department, Government of Bihar, Patna.
3. The District Magistrate, Araria.
4. The Chief Medical Officer-cum-Civil Surgeon, District Araria.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Kumar Ravish, Advocate
	:	Mr. Sanjay Kumar Sharma, Advocate
For the Respondent/s	:	Mr. Ruchikar Jha, AC to SC-8

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 12-04-2023 Heard learned counsel for the petitioner and the State.

Petitioner in the present case is seeking to challenge the communication as contained in Letter No. 8736 dated 3rd July, 2018 issued by the General Administration Department, Government of Bihar, Patna addressed to the District Magistrate, Araria whereby the decision of the Civil Surgeon-cum-Chief Medical Officer, Araria not to accept the recommendation of the District Compassionate Appointment Committee on the ground of the petitioner's mother having been appointed on regular basis in Government service, has been upheld.



The facts of the case would reveal that the father of the petitioner was a Family Welfare Officer posted in Primary Health Centre, Bhargama in the District of Araria. He died in harness on 19.2.2013. The petitioner's mother recommended the name of this petitioner for appointment on compassionate ground whereafter the District Compassionate Appointment Committee, Araria considered the same and the name of the petitioner was recommended vide Memo No. 417 dated 15.6.2017 and Memo No. 548 dated 22.7.2017 (Annexure 'P/1' and 'P/2' respectively).

The petitioner was, however, not allowed to join because it was found that prior to the consideration of the case of the petitioner for appointment on compassionate ground, his mother had already entered into a Government service on 17.12.2015 vide Annexure- 'P/6'.

This fact was, however, not brought to the notice of the District Compassionate Appointment Committee, Araria on the date when the candidature of the petitioner was being considered.

Learned counsel for the petitioner submits that the petitioner had made an application for appointment on 24.6.2015 and the fact remains that his mother got appointment



in Government service within a period of six months thereafter.

In course of argument having sensed that the purpose behind providing appointment on compassionate ground is to provide succor to the family of the deceased Government employee who died in harness but in this case, the fact is that the widow of the Government employee who is mother of this petitioner had been fortunate enough to enter into Government service within six months from the date of application made by this petitioner and further that the impugned order is of the year 2018 which is being sought to be challenged at this stage after about four and half years without being any explanation, learned counsel for the petitioner seeks permission to withdraw this writ application.

Permission is granted.

The application is dismissed as withdrawn.

Mr. Ruchikar Jha, learned A.C. to S.C.-8 is present for the State.

(Rajeev Ranjan Prasad, J)

Ajay Singh/-

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