

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4334 of 2019

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Ganesh chandra Tiwary S/o Late Brahmanand Tiwary Resident of Village-
Kharajpur,P.S. Bahadurpur,Dist.-Darbhanga

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Education Department, Bihar,Patna
2. The Director, Education Department, Darbhanga Division, Darbhanga
3. The Deputy Director, Education Department, Darbhanga Division, Darbhanga
4. The District Magistrate-cum- Compassionate Committee, Darbhanga
5. The District Welfare Officer, Darbhanga

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Dhanendra Choubey Mr.Rakesh Kumar Tiwary Mr. Sudama Kumar
For the Respondent/s	:	Mr.Prabhakar Jha (Gp27) Mr. Mukund Mohan Jha, AC to GP 27

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 5 22-11-2023 1. The petitioner is seeking compassionate appointment on the ground that his father, working as a Clerk, in the Office of the District Education Officer, Darbhanga, had died in harness on 14.01.2014.
2. The claim of the petitioner for compassionate appointment has been rejected by the District Compassionate Appointment Committee on the ground that one of the siblings, i.e. the brother of the petitioner, is gainfully employed under the Government and is posted as a Clerk in the Office of the District Education Officer, Samastipur.



3. Learned Counsel for the petitioner submits that the petitioner was dependent upon his father and the present writ application has been filed, being aggrieved by the rejection of petitioner's claim for compassionate appointment on the erroneous ground that his sibling/brother is a Government employee. The petitioner's brother is living separately and there was a memorandum of partition amongst the family members since 2003, which was written down in the year 2014, during the lifetime of the deceased employee. He further submits that the brother of the petitioner is not looking after the family members and the mother of the petitioner has also submitted affidavit in support of the petitioner's claim as dependent family member of the deceased employee.
4. On the other hand, learned Counsel for the State submits that pursuant to the order passed by a co-ordinate Bench of this Court, in C.W.J.C. No. 6668 of 2003 and analogous case, the Government came out with a Circular, dated 19.12.2014 (Annexure A), under which if one of the dependents of the deceased employee is gainfully employed, other dependent family members



shall not be given the benefit of compassionate appointment.

5. I have heard learned Counsel for the parties concerned.
6. It is not disputed that one of the dependent, i.e. son of the deceased employee and the brother of the petitioner, is gainfully employed under the Government as a Clerk in the Office of the District Education Officer, Samastipur.
7. It is settled law that compassionate appointment is provided in order to mitigate the immediate hardship of the family. In the present case, one of the dependent/sibling of the deceased employee is already employed under the Government. The Government Circular says that if one of the dependent is gainfully employed, the other dependent cannot be given the benefit of compassionate appointment.
8. Accordingly, in my opinion, the present writ application is devoid of any merit.
9. In the result, this writ application is dismissed.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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