

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2900 of 2023

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Bela Devi Wife of Late Rajendra Kamat, Resident of Village- Hatadh Rupauli, P.O.- Hatadh Rupauli, P.S.- Bhairavsthan, District- Madhubani- 847404.

... .. **Petitioner**

Versus

1. The Lalit Narayan Mithila University through its Registrar Kameshwar Nagar, Darbhanga.
2. The Registrar, Lalit Narayan Mithila University, Kameshwar Nagar, Darbhanga.
3. The Principal, Chandradhari Mithila Vigyan College, Darbhanga.

... .. **Respondents**

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Appearance :

For the Petitioner	:	Mr.Nilanjana Chatterjee, Advocate Mr.Sahil Kumar, Advocate Mr.Ujjwal Raj, Advocate Mr.Anirvan Choudhuri, Advocate Mr.Pulkit Ranjan, Advocate
For the Respondents	:	Mr.Md. Nadim Seraj, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL JUDGMENT

Date : 29-08-2023

Heard learned counsel for the petitioner and learned counsel for the University.

2. Petitioner, in the present case, is seeking a direction commanding the respondents to consider her case for appointment on compassionate ground.

3. Learned counsel for the petitioner submits that the husband of the petitioner was working as a Gardener-cum-Security Guard in C.M. Science College at Darbhanga. He went missing on 10.03.2013 and thereafter nothing has been heard about him. In this regard, a complaint was lodged by the son of



the petitioner with Vasant Vihar Police Station at New Delhi and the police has, after investigation, submitted a final form vide Annexure '3' to the writ application, perusal whereof would show that that despite sincere efforts made to trace out the missing person, no clue was found.

4. It is submitted that in the aforementioned circumstance, the petitioner submitted an application for appointment on compassionate ground. Learned counsel submits that the petitioner was advised to wait for a period of seven years, therefore, the petitioner submitted her application for the first time on 07.11.2022 (Annexure '7').

5. Learned counsel for the University has brought on record the decision of the University Compassionate Appointment Committee which has considered the case of the petitioner and rejected the same as there was no death certificate of her husband to support the claim of the petitioner.

6. Learned counsel for the petitioner submits that there would be a presumption of death on expiry of period of seven years from the date the husband of the petitioner went missing.

7. Having heard learned counsel for the parties, in the nature of the stand taken by the University, this Court is of the



considered opinion that a mere presumption of death under Section 108 of the Evidence Act would not be sufficient for the University to proceed with the application seeking compassionate appointment. It requires a declaration from the competent court of law where the evidences maybe adduced. The petitioner is at liberty to approach the competent court of law, seek a declaration as required and apply with the University afresh with all documents whereupon the same will be considered in accordance with law keeping in view of the judgments of the Hon’ble Supreme Court on the subject.

8. This Writ Application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J.)

Rajeev/-

AFR/NAFR	
CAV DATE	
Uploading Date	29.08.2023
Transmission Date	

