

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3783 of 2023

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Vishal Kumar @ Sanjay Mandal son of Late Nageshwar Mandal, resident of Village- Jamalpur, Kurmi Tola, Ward No. 14, P.S. Gogri, District- Khagaria.
... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Public Health Engineering Department, Govt. of Bihar, Patna.
2. The District Magistrate, Bhagalpur.
3. The Executive Engineer, Public Health Engineering Divisional Office, Bhagalpur East, Bhagalpur.
4. The Assistant Engineer, the Sub- Divisional Officer, Public Health Engineering Department, Sub- Division-1, Bhagalpur.
5. Urmila Devi wife of Late Nageshwar Mandal, residing of Village- Jamalpur Kurmi Tola, Ward No. 14, P.S.- Gogri, District- Khagaria.
6. Sonu Kumar, son of Late Nageshwar Mandal, resident of Village- Jamalpur Kurmi Tola, Ward No. 14, P.S.- Gogri, District- Khagaria, At present posted as an Attendant in Officer of Assistant Engineer, Sub- divisional Office of Public Health Engineering Department, Sub- Division- I, Bhagalpur.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr. Bishweshwar Ram, Advocate
For the Respondent/s : Mr. Bijoy Kumar Sinha, AC to AAG-V

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 26-04-2023 Heard learned counsel for the petitioner and learned counsel for the State.

Petitioner in the present case is seeking a writ in the nature of Writ of Mandamus directing the respondents to cancel the appointment of his younger brother who is private respondent no. 6 to the writ application. It is stated that the father of the petitioner was working as a Khalasi in Public Health Engineering Department. He died on 31.01.2018 in harness.



The petitioner submits that after death of his father, the mother received the death-cum-terminal benefits but she did not share it with the petitioner. It is further stated that private respondent no. 6 got appointment on compassionate ground without consent of the petitioner. In this regard, a representation dated 11.01.2021 (Annexure '5') has been submitted by the wife of the petitioner before the Chief Secretary, Government of Bihar.

Learned counsel for the State points out that from Annexure '1' to the writ application itself it would appear that at the time of death of his father, this petitioner was 39 years old and he was married whereas the private respondent no. 6 was 21 years and unmarried.

Learned counsel submits that the appointment was given to private respondent no. 6 who was unmarried and was living with his mother. It is submitted that in any case, if the petitioner has a grievance over sharing of the death-cum-terminal benefits of his father, his remedy lies before a civil court of a competent jurisdiction.

Having regard to the submissions noted hereinabove and on perusal of the records, this Court finds substance in the submission of learned counsel for the State. The private



respondent was appointed in the year 2018 on compassionate ground. The widow of the deceased government employee with whose consent the appointment was done has not made any representation against the appointment and she has not moved this Court.

The death-cum-terminal benefits have been received by the widow of the deceased employee. In such circumstances, this Court finds no reason to entertain this writ application.

This writ application has no merit. It is dismissed accordingly.

(Rajeev Ranjan Prasad, J)

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