

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4104 of 2023

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Sarvesh Patel S/o Late Pramod Patel, Resident of village - Bhitahan, P.S. -
Bairiya, P.O. - Bhitahan, Bettiah, District - West Champaran, Bihar - 845438.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of Health, Government of Bihar, Patna.
2. The Principal Secretary, Department of Health, Government of Bihar, Patna.
3. The Superintendent, Government Medical College, Bettiah, District - West Champaran, Bihar.
4. The District Magistrate-cum-Chairman, Compassionate Appointment Committee, Bettiah, District - West Champaran, Bihar.
5. The Civil Surgeon, Bettiah, District - West Champaran, Bihar.
6. The Officer-In-Charge, Legal Section, Bettiah, District - West Champaran, Bihar.
7. Chandrakali Devi, W/o Late - Pramod Patel, R/o Village - Bhitahan, P.S. - Bairiya, P.O.- Bhitahan, Bettiah, District - West Champaran, Bihar.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr.Ashok Kumar Gupta, Advocate
For the Respondent/s : Mr.Ravi Kumar, AC to GP-13

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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 direction to
the respondents to appoint him on compassionate ground in
place of the deceased father namely, Late Pramod Prasad Patel
who died in harness on 12.11.2021 from the post of Ward
Attendant in Government Medical College & Hospital, Bettiah,
West Champaran. He is also looking for other consequential



benefits.

From the narration of the facts present in the writ application, it appears that the deceased father of the petitioner had left behind his wife Kanti Devi @ Riga Devi and her three sons including the petitioner. His father had been allegedly living in illicit relationship with private respondent no. 7 with whom he had a son and three daughters.

Learned counsel for the petitioner submits that because of the rival claimants the matters relating to payment of death cum retiral benefits and appointment on compassionate ground have remained pending. In paragraph '16' of the writ application, it is stated that the petitioner along with his younger brothers had filed a detailed representation before the respondent no. 4 vide letter dated 28.09.2022 mentioning his hardships and impediments in the sustenance of his family. Copy of the representation has been placed as Annexure '10' to the writ application.

Learned counsel for the State submits that because of the rival claimants and the *inter se* disputes between the parties the settlement of death cum retiral benefits and the request for appointment on compassionate ground have remained pending consideration.



Having heard learned counsel for the petitioner and the State as also on perusal of the records, this Court is of the considered opinion that the representation of the petitioner as contained in Annexure '10' to the writ application be considered by the competent authority (respondent no. 4) in accordance with law and after giving an opportunity of hearing to the rival claimants, if any. A reasoned decision on the representation of the petitioner (Annexure 10) be taken and communicated to him within a period of four months from the date of receipt/production of a copy of this order.

It is expected that the competent authority shall take efforts to resolve the issue after hearing both the sides.

This writ application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J.)

Rajeev/-

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