

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.16971 of 2015

=====

Santosh Hari s/o Bhuni Hari resident of village/mohalla - Gurhatta Chaunk,
jarlahi, P.S. Mojahidpur, District - Bhagalpur.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Urban Development Department, Bihar at Patna.
2. The Municipal Commissioner, Bhagalpur Nagar Nigam, Bhagalpur.
3. The Chief Executive Officer, Bhagalpur Nagar Nigam, Bhagalpur.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Saroj Kumar Sharma

For the Respondent/s : Mr.Kumari Amrita- Gp10

=====

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL JUDGMENT

Date : 01-09-2023

The present writ petition has been filed seeking the following relief:-

“1. That this application is directed for issuance of a writ in the nature of mandamus or such other writ-writs, order/orders direction/directions to the respondent authority to make compassionate appointment of the petitioner in place of his mother namely Maya Mehtarani who has died in harness on 7.4.10 and petitioner being son of deceased employee has applied for his appointment on compassionate ground but till date



no action has been taken by the authority concern and / or pass such other order / orders as your lordships may deem fit and proper in the facts and circumstances of the case.”

2. At the outset, the learned counsel for the Respondent-State has relied on a Circular dated 5.10.1991, issued by the State Government, regarding the scheme of compassionate employment, to submit that in case both wife and husband are employed in Government service and one of them die, then in such cases, legal heir of such a deceased employee would not be entitled to compassionate employment. It is submitted that in the present case, at the time of death of the mother of the petitioner, the father of the petitioner was employed in Government service and moreover, the petitioner was only 5th class pass out, hence, it is submitted that as per the scheme, compassionate employment could not be offered to the petitioner and to the said effect, an order dated 5.1.2015 (Annexure-R/1 to the counter affidavit) has already been passed by the District Compassionate Appointment Committee, Bhagalpur, hence it is contended that the present writ petition is devoid of any merit.
3. The aforesaid factual position is not disputed by the petitioner.



4. Hence, the present writ petition, being devoid of any merit, stands dismissed.

(Mohit Kumar Shah, J)

Ajay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	04.09.2023
Transmission Date	NA

