

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9083 of 2022

=====

Santosh Kumar son of Sri Ashok Prasad Yadav Resident of Arya Samaj
Mandir Road, S.K. Puram, P.S. Danapur, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, General Administration Department, Government of Bihar, Patna.
2. The Principal Secretary, Department of Health, Govt. of Bihar, Patna.
3. The Director in Chief (Nursing) Health Services, Bihar, Patna.
4. The District Magistrate Cum Chairman, District Compassionate Appointment Committee, Patna.
5. The Deputy Collector, Establishment, Patna.
6. The Civil Surgeon cum Chief Medical Officer, Patna.
7. The Incharge Medical Officer, Primary Health Centre, Danapur, Patna.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Banwari Sharma with Mr. Shiv Kumar, Advts.
For the Respondent/s : Mr. Ajay Bihari Sinha (GA 8) with Ms. Kalpana,
AC to GA-8

=====

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

- 3 22-08-2023 1. On mentioning slip being filed for priority listing,

the matter has been listed today under the heading ‘To Be
Mentioned’.
2. Heard learned counsel for the petitioner and
learned counsel for the State.
3. The petitioner’s mother died while in harness
working as an Auxiliary Nurse Midwife (ANM) in Primary
Health Center at Phulwarisharif. The date of death is
14.12.2014. The petitioner had applied for compassionate



appointment, which has been rejected by the authorities by a communication dated 08.08.2016 as contained in Annexure-1 to the writ petition. The same is relying upon a letter dated 05.10.1991, issued by the then Personnel and Administrative Reforms Department, Government of Bihar, which takes note of the fact that where both parents of a claimant for compassionate appointment are government servant, then the benefit of compassionate appointment shall not be available to such claimant.

4. The present writ application has been filed with a prayer that petitioner's claim should now be considered in light of the letter dated 18.11.2021, issued by the General Administration Department, bearing Memo No. 13573 of 2021 (Annexure-2).

5. The learned State counsel submits that the petitioner's claim for compassionate appointment has been rejected under the provisions which was applicable at the time of consideration. The death of death of the petitioner's mother is of 2014. Today 09 years later, the claim for compassionate appointment, seeking to rely upon a decision of the year 2021, is not sustainable.

6. The Court is in agreement with the submission of



the learned State counsel. The Court would also consider that the petitioner has never assailed the rejection of his claim vide order dated 08.08.2016. Rejection of the petitioner's claim has attained finality since the petitioner has accepted the rejection without demur, till date. Having accepted rejection of his claim, there is no occasion for this Court to exercise discretionary jurisdiction to issue any direction contrary to the order dated 08-08-2016.

7. The writ petition is dismissed.

(Madhuresh Prasad, J)

shyambihari/-

U			
---	--	--	--

