

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1197 of 2018

Shail Devi Wife of late Shatrudhan Pandey Resident of Mohalla- Purani
Chauk, Ward No. 20, P.S. and District- Gopalganj.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The District Magistrate, Gopalganj.
3. The Executive Officer, Nagar Parishad, Gopalganj.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Anirudh Kumar Verma, Advocate Mr. Vyas Kumar Mishra, Advocate
For the Respondent/s	:	Mr. P.N. Shahi- AAG-6
For Nagar Parishad	:	Mr. Rajesh Ranjan, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

6 12-09-2023 Heard the parties.

2. This application has been preferred for direction to the concerned authority to appoint the petitioner on the basis of compassionate appointment after the death of her husband who died during the service period working as tax collector in Nagar Parishad, Gopalganj.

3. The case of the petitioner is that her husband, Satrudhan Pandey while serving as Tax Collector, Nagar Parishad, Gopalganj died on 05.02.2015. She being widow preferred application for compassionate appointment as also payment of Death-cum-retiral benefits.

4. It is her case that so far as the retiral benefits is concerned, the same was redressed.



5. The compassionate appointment has been denied on the ground that the lady, Guriya Devi (daughter of first wife) is also claiming her appointment on compassionate appointment.

6. Further, she has preferred Case no. 410 of 2015 before the concerned Court at Gopalganj for succession certificate and to declare her as sole heir to her father.

7. In that background, the Memo no. 4702 dated 31.12.2022 was issued by Nagar Parishad, Gopalganj negating the claim of the petitioner.

8. The predicament of the respondent when there are two claimants to the post cannot be ignored. The further direction of respondents to get succession certificate should be taken note by the petitioner and act accordingly.

9. If she is able to get hold of the succession certificate, she will be entitled to approach the concerned respondent who shall take a decision at an earliest after noticing the other side.

10. The writ petition stands disposed of with the aforesaid observations.

(Rajiv Roy, J)

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