

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.9847 of 2023**

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1. Mina Devi Wife of Late Nagendra Ram Resident of Ward No. 13, Panapur Langa, Near Bhuiya Asthan, P.S. Hajipur, Sadar, District- Vaishali.
  2. Vikash Kumar @ Vikas Kumar, Son of Late Nagendra Ram Resident of Ward No. 13, Panapur Langa, Near Bhuiya Asthan, P.S. Hajipur, Sadar, District- Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Additional D.G. Bihar, Special Armed Police, Bihar, Patna.
3. The D.I.G. of Police Bihar Special Armed Police, Northern Zone, Muzaffarpur.
4. The Commandant, BSAP- 8, Begusarai.
5. The Assistant Police Inspector General of Police (Welfare), Bihar, Patna.

... .. Respondent/s

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**Appearance :**

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| For the Petitioner/s | : | Mr. Ram Hriday Prasad, Advocate |
| For the State        | : | Mr. Sheo Shankar Prasad, SC- 8  |
|                      |   | Mr. Ruchikar Jha, AC to SC- 8   |

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**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD**

**ORAL JUDGMENT**

**Date : 09-10-2023**

1. Heard learned counsel for the petitioner and learned counsel for the State.

2. The petitioner's claim for appointment on compassionate grounds has been rejected by the Compassionate Committee under its meeting dated 25-08-2021. The rejection has been communicated to the petitioner under letter dated 27-08-2021 (Annexure- 7). The rejection is founded on the General



Administration Department letter dated 10-05-2010, bearing Memo No. 1781 regarding claim of compassionate appointment of legal heirs/dependent of deceased government employee whose sibling is gainfully employed.

3. Learned counsel for the petitioner makes very short submission, relying on the decision of the Hon'ble Full Bench, in the case of *Niraj Kumar Mallick vs State of Bihar & Ors.* passed in *C.W.J.C. No. 17143/2016*, reported in *(2018) 2 PLJR 951*. Referring to paragraph Nos. 47 & 49, he submits that the fact of sibling being employed, *per se* cannot be made the basis for excluding the petitioner's claim for compassionate appointment.

4. The mandate, as per decision of the Hon'ble Full Bench, is clear that it is required to be seen by the Authorities whether employment is such, which would generate sufficient resources to provide both ends meet for the legal heirs. It is only if such fact is established that the claim can be rejected, irrespective of the fact whether sibling is maintaining the other legal heirs or not. There is no consideration of this aspect, and therefore, petitioners would be placing before the Assistant Police Inspector General of Police (Welfare), Bihar, Patna. (respondent No. 5) material to show that income generated by



the employment of the petitioner’s sibling is insufficient to sustain the other legal heirs.

5. If such application is filed before the respondent No. 5 within four weeks, respondent No. 5 shall be required to accord due consideration in terms of decision of the Hon’ble Full Bench, noted above within eight weeks thereafter. While according such consideration, earlier rejection dated 02-12-2022 (Annexure- 9), shall not come in the way.

6. With such observation/s and direction/s writ petition is allowed.

(Madhuresh Prasad, J)

Raj kishore/-

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| AFR/NAFR          | NAFR       |
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