

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12634 of 2010

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1. Ashish Ranjan Pathak @Ashish Ranjan Kumar Pathak S/O Late Gajadhar Pathak R/O Vill.- Pachokhar, P.S.- Deo, Distt.- Aurangabad
 2. Shashi Bhushan Pathak S/O Late Vishnu Dutt Pathak R/O Vill.- Pachokhar, P.S.- Deo, Distt.- Aurangabad

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR through the Chief Secretary, Government Of Bihar, Patna
2. The Secretary, Home (Special) Department Government Of Bihar, Patna
3. The Secretary, Department Of Personnel and Administrative Reforms, Govt. Of Bihar, Patna
4. The District Compassionate Committee, Aurangabad Through The District Magistrate, Aurangabad
5. The District Magistrate, Aurangabad
6. The Additional Collector, Aurangabad
7. The Circle Officer, Deo, Distt.- Aurangabad

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Tej Narayan Singh, Advocate
For the State	:	Mr.Raghwanand, G.A.-11
	:	Mr. Sanjay Kr. Tiwari, A.C. to G.A.-11

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL JUDGMENT

Date : 28-11-2023

Heard Mr.Tej Narayan Singh, learned counsel appearing for the petitioners and Mr.Raghwanand, learned G.A.-11 assisted by Mr. Sanjay Kr. Tiwari, learned A.C. to learned G.A.-11.

2. The petitioners' father died on 07.01.2005 for which incident Deo P.S.Case No. 04 of 2005 was registered under Sections 147,148,149,323,324,325,307,302,452,380 of the Indian Penal Code and Section 17 of the Criminal Law Amendment Act. The extremists forcefully entered into the house of the petitioners



and brutally assaulted their family members, the extremists killed the father of the petitioners and looted valuable belongings from their house.

3. The petitioners have filed the present writ application for setting aside the part of the memo No.93, dated 21.04.2010 whereby and whereunder the District Compassionate Committee, Aurangabad, in its meeting held on 24.02.2010 has rejected the claim of the petitioners for their appointment on compassionate ground. The petitioners have made their respective application before the respondent No.6 on 07.08.2006 for their appointment on compassionate ground under the Government of Bihar as per the policy of the State Government. The District Magistrate, Aurangabad by his order issued vide memo No.199 dated 14.12.2009 granted approval for payment of ex-gratia amount of Rs. 50,000/-(Fifty Thousand) each to the mother of petitioner No.1 and petitioner No.2 (Annexure-5). Thereafter, the District Compassionate Appointment Committee, Aurangabad in its meeting which was held on 24.02.2010 has rejected the claim of the petitioners for their appointment on compassionate ground that as per Circular No.1838 dated 17.02.2010 the petitioners are only entitled for payment of ex-gratia amount. As per Circular No.1838 dated 17.02.2010 in which it has been discussed in para-4 of the



aforesaid circular that in case of murder of a person by extremists, his dependence shall not be appointed in the Government Service rather the dependents will only get ex gratia amount and on the basis of the aforesaid policy of the Government of Bihar, the District Compassionate Appointment Committee, Aurangabad has refused the claim of the petitioners for appointment on compassionate ground.

4. Learned counsel for the petitioners submits that other similarly situated persons have been appointed on compassionate ground in the Government Service.

5. Learned counsel for the State, on the other hand, on the basis of the material available on the record and in the counter affidavit, submits that the authority has rightly rejected the claim of the petitioners for their appointment on compassionate ground because the application of the petitioners for the appointment in the Government Service have been received in the Establishment Section, Aurangabad in February 2010 which come under the provision of Government Circular No.1838 dated 17.02.2010 and in the aforesaid circular there was no provision for compassionate appointment to the family members who seek employment on compassionate ground that they are legal heirs of the deceased who has been killed by the extremists rather the deponents will



only get ex-gratia amount and the appointment of the petitioners have been refused by the District Compassionate Appointment Committee, Aurangabad and according to Circular No. 1838 dated 17.02.2010 the petitioners have received the ex gratia amount of Rs.50,000/-(Fifty Thousand) each and the case of the petitioners have been rightly rejected by the District Compassionate Appointment Committee, Aurangabad in light of the aforesaid Circular No. 1838 dated 17.02.2010.

6. The case of the petitioners have come under the provision of Circular No.1838, dated 17.02.2010 and as per aforesaid circular, the petitioners are only entitled for ex-gratia amount, and the petitioners have already received the ex-gratia amount of Rs.50,000/-(Fifty Thousand) each and as per Circular No.1838, dated 17.02.2010, petitioners are not entitled for appointment on compassionate ground.

7. There is no merit in this writ application. Accordingly, it is dismissed.

(Rajesh Kumar Verma, J)

Nitesh/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	15.12.2023
Transmission Date	15.12.2023

