

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13597 of 2022

=====

Kanhaiya Kumar, son of Late Anil Singh, Resident of Village- Naudiha Kala,
P.S. - Wazirganj, District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Additional Chief Secretary, Department of Home, Bihar, Patna.
3. The District Magistrate, Gaya.
4. The Circle Officer, Wazirganj, Gaya.
5. The Senior Superintendent of Police, Gaya.
6. The Compassionate Appointment Committee through its Chairman, Gaya.
7. The Officer Incharge, Wazirganj Police Station, Gaya.
8. Tara Devi wife of Late Anil Singh, Resident of Village - Naudiha Kala, P.S.-
Wazirganj, District - Gaya.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr. Ram Vinay Pd. Singh, Advocate
For the Respondent/s	:	Mr. Sheo Shankar Prasad, SC-8
		Mr. Ruchikar Jha, AC to SC-8

=====

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

- | | | | |
|---|------------|----|---|
| 3 | 28-06-2023 | 1. | Heard learned counsel for the petitioner and
learned counsel for the State. |
| | | 2. | The petitioner came for benefit of
compassionate appointment on account of death of his father in
harness while working as <i>Chowkidar</i> on 02.08.2014. |
| | | 3. | It is submitted by learned counsel for the
petitioner that during pendency of the writ application, the
petitioner's stepmother has been allowed the compassionate
appointment. It is his submission that she was not entitled for |



the benefit of compassionate appointment, which she has obtained by resorting to falsehood and misrepresentation. He further submits that she has also given an affidavit/undertaking that she will maintain the petitioner (stepson) but he remains ousted from the house, let alone being taken care of.

4. The allegations are leveled against private Respondent No.8 to whom notice has not been issued, having regard to the nature of the order the Court proposes to pass.

5. The issue based on submissions advanced by learned counsel for the petitioner are issues to be examined by the District Compassionate Committee and Authorities with reference to the documents and material which the petitioner may produce against private Respondent No.8, which he has not done till date. Unless there is such a demand before the Authorities and refusal, there is no occasion for this Court to invoke its jurisdiction under Article 226 of the Constitution of India. The petitioner, therefore, would be well advised in approaching the Respondent No.3 with his grievance.

6. In case such grievance is raised within 4 weeks, Respondent No.3 would be obliged to consider the same after due notice to the necessary parties including private Respondent No.8 and dispose of the same in accordance with



law expeditiously and within a period of 3 months thereafter.

7. Writ application is disposed of.

8. This court records that the above noted submissions are not expression of the court's opinion for the purposes of consideration by the District Magistrate (Respondent No.3).

(Madhuresh Prasad, J)

shashank/-

U			
---	--	--	--

