

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.1172 of 2023**

Dilip Sada, Son of Late Phuleshwar Sada @ Phuleshwar Rishidev, Resident of Village- Rampur Lahi, Ward No. 4, Police Station- Shankarpur, District- Madhepura.

... .. Petitioner

Versus

1. The State of Bihar Through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, General Administration Department, Government of Bihar, Patna.
3. The Principal Secretary, Finance Department, Government of Bihar, Patna.
4. The Divisional Commissioner, Koshi Division, Saharsa
5. The District Magistrate-cum-Collector, District- Madhepura
6. The Additional District Magistrate, District- Madhepura
7. The Sub-Divisional Officer, District- Madhepura
8. The Circle Officer, Shankarpur Circle, District- Madhepura
9. The Station House Officer, Shankarpur, District- Madhepura
10. Anil Rishidev Son of Late Phuleshwar Rishidev, Resident of Village- Rampur Lahi, Ward No. 4, Police Station- Shankarpur, District- Madhepura.
11. Sunil Rishidev Son of Late Phuleshwar Rishidev, Resident of Village- Rampur Lahi, Ward No. 4, Police Station- Shankarpur, District- Madhepura.
12. Rajendra Rishidev Son of Late Phuleshwar Rishidev, Resident of Village- Rampur Lahi, Ward No. 4, Police Station- Shankarpur, District- Madhepura.
13. Urmila Devi Wife of Late Phuleshwar Rishidev, Resident of Village- Rampur Lahi, Ward No. 4, Police Station- Shankarpur, District- Madhepura.
14. Sushila Devi Daughter of Late Phuleshwar Rishidev, Resident of Village- Rampur Lahi, Ward No. 4, Police Station- Shankarpur, District- Madhepura.
15. Pavitra Devi Daughter of Late Phuleshwar Rishidev, Resident of Village- Rampur Lahi, Ward No. 4, Police Station- Shankarpur, District- Madhepura.
16. Kiran Devi Daughter of Late Phuleshwar Rishidev Resident of Village- Rampur Lahi, Ward No. 4, Police Station- Shankarpur, District- Madhepura.

... .. Respondents

**Appearance :**

For the Petitioner/s : Mr.Rupesh Kumar, Advocate  
For the Respondent/s : Mr.Md. N. H. Khan ( SC-1 )

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD**  
**ORAL ORDER**

2      12-04-2023      Petitioner in the present case is seeking the following  
reliefs:-



“(i) For issuance of writ/writs, order/orders, direction/directions in the nature of MANDAMUS commanding and directing these respondents to appoint the petitioner on compassionate ground, who applied for the same within the prescribed time and accordingly, appoint him.

(ii) For issuance of writ/writs, order/orders, direction/directions in the nature of MANDAMUS commanding and directing these respondents to immediately appoint this petitioner on compassionate ground as against the service of his father, namely, Phuleshwar @ Phuleshwar Rishidev, who was working as ‘Chowkidar’ and died in harness.

(iii) For further prayed for grant of any order/orders, direction/directions in favour of petitioner in the facts and circumstances of the matter.”

From the statements made in the writ application, it appears that late Phuleshwar @ Phuleshwar Rishidev had children from two ladies both of them claimed themselves the wives of the deceased. There are rival claims for appointment on compassionate ground. From the statements made in Paragraphs ‘13’, ‘14’ and ‘15’ of the writ application, it further appears that an agreement was executed on 03.02.2022 between the stakeholders whereunder it was agreed to give monetary benefit of Rs. 6,00,000/- to the petitioner. The petitioner is seeking his appointment on compassionate ground. He had filed an objection against the appointment of the private respondent no. 10.

Learned counsel for the petitioner submits that as on today



he is not aware whether respondent no. 10 has been appointed or not.

Learned counsel for the State has opposed this writ application.

It is submitted that if the respondent no. 10 has not been appointed, the competent authority may be directed to consider the objection of the petitioner, if any, pending with the competent authority. It is further submitted that in case respondent no. 10 has already been appointed, the petitioner may seek his remedy against the same in accordance with law.

This Court agrees with the submission advanced on behalf of the State. If the private respondent no. 10 has yet not been appointed, the competent authority shall consider the objection of the petitioner and only after hearing both the sides, decision would be taken but in case the private respondent no. 10 has already been appointed and a decision in that regard has been taken by the competent authority, it will be open for the petitioner to seek his remedy against the same in accordance with law.

This application stands disposed of.

**(Rajeev Ranjan Prasad, J)**

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