

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10788 of 2020

=====

Ashok Kumar Ram S/o Raj Kumar Prasad, R/o Village/Mohalla - Domhari
Tola, Block Road, Post - Rajgir, P.S. Rajgir, Dist.- Nalanda, PIN - 803116.

... .. Petitioner/s

Versus

1. The Principal Secretary, Nagar Vikash And Aawas Bibhag, Government of Bihar, Patna.
2. The Special Secretary, Nagar Vikash And Aawas Bibhag, Government of Bihar, Patna.
3. The Deputy Secretary, Nagar Vikas And Aawas Bibhag, Government of Bihar, Patna.
4. All Municipal Commissioners of State of Bihar.
5. The Municipal Commissioner of Patna Municipal Corporation, Patna.
6. The Collector of Nalanda.
7. The Additional Collector (Establishment), Nalanda.
8. The Executive Officer of Nagar Panchayat Rajgir, Nalanda.

... .. Respondent/s

=====

with

Civil Writ Jurisdiction Case No. 20626 of 2021

=====

Ashok Kumar Ram Son of Raj Kumar Prasad Resident of Dhobitola, P.O.
Rajgir, P.S. Rajgir, District- Nalanda, at present residing Domabari Tola, P.O.
Rajgir, P.S. Rajgir, District- Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Urban Development and Housing Department, Govt. of Bihar, Patna.
2. The District Magistrate, Nalanda.
3. The Deputy Collector (Establishment), Nalanda.
4. The Executive Officer, Nagar Panchayat, Rajgir, Nalanda.
5. The Chairman, Nagar Panchayat, Rajgir, Nalanda.

... .. Respondent/s

=====

Appearance :

(In Civil Writ Jurisdiction Case No. 10788 of 2020)

For the Petitioner/s : Mr.Ranjit Jha, Advocate

For the Respondent/s : Mr.Subhash Prasad Singh (GA- 3)



(In Civil Writ Jurisdiction Case No. 20626 of 2021)

For the Petitioner/s : Mr.Shashi Chandra Pandey, Advocate

For the Respondent/s : Mr.Subhash Pd. Singh (GA-3)

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

9 11-09-2023 At the outset, Mr. Rajiv Ranjan Kumar Pandey and Mr. Shiv Kumar who represent the respondents have pointed out that this petitioner has preferred two writ petitions for the same cause of action.

2. Worst, in paragraph 11, he has made a false statement that for the same cause of action, no petition has been filed by him earlier.

3. The earlier writ petition is CWJC No. 10788 of 2020 while the second writ petition in which false statement has been made is CWJC No. 20626 of 2021 and as such both of them are being heard together.

4. Heard learned counsel for the parties.

5. Mr. Ranjit Jha learned counsel submits that while CWJC No. 1078 of 2020 the petition was filed by him, CWJC No. 20226 of 2021 was filed by Mr. Satish Chandar Pandey and later, he gave his NOC whereafter *vakalatnama* has been filed by him in this case too.

6. Facts are necessary to be incorporated.

7. The mother of the petitioner serving as Sweeper died on 01.07.2014. She was with the Nagar Panchayat, Rajgir



Nalanda, (now upgraded Nagar Parishad). On that relevant date, the father of the petitioner, Raj Kumar Prasad was also serving as Sweeper with the same Nagar Panchayat and remained so till his retirement on 15.10.2015.

8. From the aforesaid facts, it is clear that on the day, the lady died, her husband was in service and as such, there was no economic distress to the family necessitating extension of any compassionate appointment to the petitioner.

9. There are numbers of orders/judgments of the Hon'ble Apex Court and High Courts in which it has been held that this can be extended only to a family in distress and cannot be claimed as a right as the appointment on compassionate ground offered to a dependent of the deceased-employee is an exception to the norms envisaged under Article 14 of Constitution which deals with the equality before law and Article 16 which deals with the equality of opportunity in matters of public employment.

10. Despite the aforesaid admitted facts, the petitioner preferred writ petition twice.

11. Mr. Ranjit Jha, learned counsel for the petitioner, after some arguments submit that he may be permitted to withdraw the petition.



12. In view of the fact that the petitioner has chosen to withdraw both the writ petitions, this Court refrains from imposing cost upon him but caution Mr. Ranjit Jha to be vigilant in future and faced with these situations, advise the clients properly.

13. Both the aforesaid writ petitions stand dismissed as withdrawn.

(Rajiv Roy, J)

Jagdish/Jyoti/-

U			
---	--	--	--

