

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3251 of 2018

Pradeep Kumar son of Late Birendra Kumar Singh, Resident of Village and
P.O.- Bharbaliya, P.S.- Malahi, District- East Champaran.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Principal Secretary, Government of Bihar, Old Secretariat, Patna.
3. The District Magistrate-cum-Chairman, District Establishment Committee, Gopalganj.
4. The Superintendent of Police, Gopalganj.
5. The District Establishment Committee, Gopalganj.
6. The Circle Officer, Paharpur, East Champaran.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Amit Pandey, Adv Mr. Manaur Alam, Adv
For the Respondent/s	:	Mr.P.K. Verma-Aag3 Mr. Manoj Kumar Sharma AC to AAG-3

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

4 22-11-2023 Counsel for the petitioner and Counsel for the State is

present.

2. Counsel for the petitioner submits that present writ
petition has been filed for quashing of the Memo No. 771/Est.
dated 07.08.2014 by which the respondents has decided to
postpone the process of compassionate appointment of the
petitioner as the District Establishment Committee, Gopalganj
made recommendation to the petitioner for appointment due to



clerical mistake. Counsel for the petitioner submits that upon taking decision by the respondent authorities, he has filed representation vide Annexure-7. On 13.11.2017 which is still pending before the authorities. Counsel further submits that in the matter of compassionate appointment Hon'ble Full Bench of this Court in the case of ***Niraj Kumar Mallick Vs State of Bihar and Ors. reported in 2018 (2) PLJR 951*** in which it has been held that authorities are directed to examine whether the employment is such as to fulfill the financial needs of the dependent of the deceased.

3. Counsel submits that no such scrutiny has been taken by the authorities which is basically the violation of the Full Bench Decision. Counsel for the State submits that there is no question of consideration of the said decision of the Full Bench in the case of the present petitioner and the said Full Bench decision has come later on from the date of cause of action of the petitioner.

4. In this view of the matter and also in the view of the case decided in ***Rupesh Kumar Sahni Vs. State of Bihar*** decided vide order dated 13.07.2022 passed in *C.W.J.C. No. 6972 of 2019*, this petition is disposed of with direction to the authorities concerned to pass appropriate order on



representation filed by the petitioner on Annexure-7 considering
the aforesaid two judgments.

(Dr. Anshuman, J)

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