

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.2752 of 2020**

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Ragini Kumari Wife of Late Awadhesh Kumar Near Shiv Mandir, Dihuri,  
P.S.- Tekari, District- Gaya, Presently residing at Flat No. 403/B, Beligrin  
Apartment, P.O.- Danapur, P.S.- Rupaspur, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary of Home Department,  
Government of Bihar, Patna.
2. The Director General of Police, Government of Bihar, Patna.
3. The Inspector General of Police, Govt. of Bihar, Patna.
4. The Deputy Inspector General of Police, Nalanda at Biharsharif.
5. The District Compassionate Appointment Committee, Nalanda at  
Biharsharif through its Chairman i.e. District Magistrate, Nalanda at  
Biharsharif.
6. The Superintendent of Police, Nalanda at Biharsharif.
7. The Deputy Superintendent of Police, Nalanda at Biharsharif.
8. The S.H.O., Nagarnausa, District- Nalanda at Biharsharif.

... .. Respondent/s

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**Appearance :**

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| For the Petitioner/s | : | Mr. Niranjan Kumar<br>Mr. Subham Singh<br>Mr. Bipin Yadav<br>Mr. Dilip Kumar |
| For the Respondent/s | : | Mr. Md. N.H. Khan (SC1)                                                      |

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**CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN**  
**ORAL ORDER**

3      06-09-2024                      Heard learned counsel for the petitioner and learned  
counsel for the State.

2. The present writ petition has been filed with the  
following reliefs:-

*(i) For directing the  
responsible respondent authorities to  
consider the gravity and seriousness  
of the case of the petitioner and to*



*appoint her on Class-III post on compassionate ground on account of fact that her husband has been murdered/killed by the criminals/ bad elements while performing his duties as Station Head Officer of Nagarnausa Police Station under the District of Nalanda.*

*(ii) For directing the respondent authorities to take all necessary steps to appoint the petitioner (widow of martyr) against class III post on compassionate ground immediately considering the seriousness of the case of the petitioner and in pursuance of Resolution of the Police Headquarter vide memo no. 2362/P-2 dated 06.06.2005, whereby it has specifically been mentioned that in case a Police Officer/employee dies in an encounter and declared as martyr through the District order by the Government, the dependent of the deceased-Police Officer/ employee shall be appointed on compassionate ground on Class-III post i.e. clerk as also considering the Resolution dated 05.10.2005 contained in memo no.2138 issued by the General and*



*Administration Reforms Department, Government of Bihar, Patna, wherein it has specially been mentioned that in the circumstances if any Police Officers/employees are died, than for the appointment of their dependents on compassionate ground on class-III post, there is no requirement of any approval from the Compassionate Appointment Committee of the concerned district.*

*(iii) For directing the responsible respondent authorities to give all the consequential and ancillary benefits to the petitioner with respect to the Death-cum-Retiral/ Terminal benefits for which she is legally entitled to.*

*(iv) For any other relief or reliefs to which the petitioner may be entitled in the facts and circumstances of the case.*

3. Learned counsel for the petitioner submits that the present writ petition has been filed for a direction to the respondent authorities to appoint the petitioner on compassionate ground on Class-III post as her husband was murdered/killed by the criminals while performing his duty at Nagarnausa Police Station under the District of Nalanda.



Counsel submits that Memo No. 5500 dated 08.12.2015 was issued by the Superintendent of Police, Nalanda requesting to the Inspector General of Police, Patna, Bihar vide Annexure- 4 intimating the entire situation and requested to take appropriate steps for appointment. Counsel submits that husband of the petitioner was initially appointed as Sub-Inspector of Police, Bihar in the year 2009, and during his service he was killed/murdered by the criminals in an encounter on 18.09.2015. In this regard, an FIR was lodged vide Nagarnausa P.S. Case No. 148 of 2015 on 18.09.2015 and the said incident was also published in local newspaper on 19.09.2019. Counsel submits that widow of the petitioner has filed his application for compassionate appointment before the Superintendent of Police, Nalanda. Counsel further submits that the Superintendent of Police, Nalanda has considered his representation and recommended this matter to the Inspector General of Police, Patna vide Annexure- 4, Memo No. 5500, dated 08.12.2015, and since then this matter is pending and no decision has taken place at any level.

4. Learned counsel for the State submits that counter affidavit has not been filed in this matter till date.

5. It transpires to this Court that it is a matter of year



2020 but counter affidavit has not been filed by the State in this matter even after lapse of about 4 years. It is an unfortunate situation.

6. This Court is of the firm view that keeping pending this case shall not solve any purpose. Therefore, it is directed to the Inspector General of Police, Patna (respondent No. 3), to whom the Superintendent of Police, Nalanda had sent letter vide Memo No. 5500 dated 08.12.2015, to take a decision in this matter in accordance with law within 60 days from the date of receipt/production of a copy of this order.

7. With this direction, the writ petition stands disposed off.

**(Dr. Anshuman, J.)**

Aman Kumar/-

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