

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15013 of 2014

Mostt. Manju Devi @ Manju Kumari Wife of Ramotar Pandit Resident of
Village- Brahm Asthan, P.O. + P.S.- Bariarpur, District- Munger

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Health Department, Government of Bihar, Patna.
2. The D.M. Cum the Chairman District Establishment Committee, Khagaria, District- Khagaria
3. The Civil Surgeon-Cum-Chief Medical Officer, Khagaria, District- Khagaria
4. The Civil Surgeon Cum Chief Medical Officer Dumka, Jharkhand
5. The Regional Deputy Director, Health Services Munger, District- Munger
6. The Medical Officer, Primary Health Centre, Gogri, District- Khagaria

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Arun Kumar No. 1, Advocate.
For the State : Mr. Vinay Kumar Mishra, AC to AAG-15.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 01-08-2024 Heard Mr. Arun Kumar No.1, learned counsel
appearing on behalf of the petitioner and Mr. Vinay Kumar
Mishra, learned AC to AAG-15 for the State.

2. The petitioner has filed the writ petition for the
following reliefs, as prayed for in Para-1 of the writ petition,
which is, *inter alia*, reproduced hereinafter:

“That by the present writ petition, the poor and helpless widow petitioner craves indulgence before this Hon’ble Court for issuance of a writ in the nature of certiorari for setting aside the order dated 11.06.2013 bearing memo no. 2202 contained in Annexure-9, whereby and where under the claim of compassionate appointment of the petitioner has been refused by the respondents on the basis of false, fabricated and manufactured documents. And further for directing the



Respondents to appoint this petitioner on compassionate ground as husband of the petitioner namely Ramotar Pandit has died in harness on 14.01.94 during the tenure of his service, working on the post of "Purna Gaon Sathi". Just after death on 14.01.1994, the petitioner applied on 30.11.96 for her appointment on compassionate ground, but the application has been refused on 11.06.2013 after lapse of 19 years, that too on the basis of false and manufactured documents which was not available to the Respondents as evident from the RTI information given by report C.S. Dumka that Appointment letter issuing register of the petitioner is not available to C.S. Dumka since 30.09.94 till 26.07.2012, then how the C.S. Khagaria prepared the false documents, that according to appointment letters issue Register of appointment of husband of the petitioner was not available in that Register. And further for issuance of a writ in the nature of mandamus directing the respondents to allow this writ petition with full arrears, with interest of 18% per annum current and consequential benefits since the date of 30.11.96, on which this widow petitioner had applied for her compassionate appointment. And your lordships may further be pleased to grant any other relief or reliefs as it may be deemed fit and proper to the facts and circumstances of this case."

3. First part of the relief sought for by the petitioner is for considering her case for appointment on compassionate ground and second part relates to grant of terminal benefits.

4. So far as second relief is concerned, petitioner has filed a supplementary affidavit stating therein that the petitioner being the wife of the deceased employee who had died in harness on 14.01.1994 has received benefits accrued to her late husband Ramotar Pandit and in this regard reference of Memo No. 395 dated 22.03.1994 can be taken into consideration duly issued by Civil Surgeon, Khagaria.



5. So far as the first relief in respect of consideration of the case of the petitioner for her appointment on compassionate ground is concerned, I am of the opinion that this Court must not go into the legality of certain communications made by one Civil Surgeon and another Civil Surgeon creating doubt in respect of certain documents on which basis the appointment of the husband of the petitioner can be declared to be forged one. The law relating to appointment on compassionate ground is no more *res integra*. It is well settled that the very scheme of the compassionate appointment is to mitigate the hardship which a family suffers as a result of the death of the sole bread earner. Now, after lapse of nearly 30 years, if any mandamus is issued, the same will be against the policy object of the compassionate appointment. The petitioner who is widow of the deceased employee who had died in harness on 14.01.1994 has survived till date.

6. The writ petition, accordingly, stands disposed of.

(Purnendu Singh, J)

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