

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3075 of 2017

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Dheeranjan Kumar, Son of Late Dharendra Kumar, Residing At- Shri Krishnanagar, P.S.- Krishnanagar, District- East Champaran, Motihari.

... .. Petitioner/s

Versus

1. The State of Bihar thorough Director-In-Chief, Health Services, Government of Bihar Patna.
2. The Director-in-Chief, Health Services Government of Bihar Patna.
3. The Director Health Services Government of Bihar Patna.
4. District Magistrate-cum-Chairman of District Compassionate Committee, Motihari, District- East Champaran, Motihar.
5. The Civil Surgeon-Cum-Chief Medical Officer, East Champaran, Motihari.
6. The Superintendent Sadar Hospital, East Champaran, Motihari.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sharda Nand Mishra, Advocate
For the State	:	Mr. S.D. Yadav, AAG-9
		Mr. Anil Kr. Verma, AC to AAG-9

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CORAM: HONOURABLE MR. JUSTICE NANI TAGIA
ORAL JUDGMENT

Date : 05-12-2024

Heard learned counsel for the parties.

2. This writ petition has been filed by the petitioner praying for a direction to the respondents for appointment of the petitioner on compassionate ground on account of his father having died in harness on 19.01.2014 while working as X-ray technician at Sadar Hospital, Motihari.

3. The respondents have filed a counter affidavit through respondent Nos. 5 & 6, wherein, in paragraph no.8,



it has been stated that as per the notification issued by the Personnel and Administrative Reforms Department, vide Letter No. 13293 dated 05.10.1991, if both the husband and the wife are in government service and in case of death of any one of them, appointment on compassionate ground to the other members of the family shall not be extended. In paragraph no.6 of the counter affidavit, the respondents have further stated that the wife of the deceased (late Dharendra Kumar), namely Smt. Uma Kumari (mother of the petitioner), is working as a teacher at Middle School, Banjariya, East Champaran.

4. Though the counter affidavit by the respondent Nos. 5 and 6 was filed on 14.07.2017, but till date, no rejoinder thereto has been filed by the petitioner denying the correctness of the averments made by the respondent Nos. 5 and 6 in the counter affidavit.

5. Under the circumstances, taking note of the fact that there is a notification of the Department of Personnel and Administrative Reforms that when both the husband and the wife are in government service and in case of death of any one of them, appointment on compassionate ground



shall not be extended to the other members of the family and also in view of the fact that the wife of the deceased, who is the mother of the petitioner, is stated to be working as teacher at Middle School, Banjariya, East Champaran, I am of the view that the petitioner will not be entitled for an appointment on compassionate ground on account of the death of his father for the reason that his mother is working as a Teacher at Middle School, Banjariya, East Champaran.

6. Accordingly, no direction sought for by the petitioner for appointment on compassionate ground, can be given to the respondents, in view of the Letter No. 13293 dated 05.10.1991 issued by the Personnel and Administrative Reforms Department.

7. The writ petition is dismissed being devoid of merit.

(Nani Tagia, J)

Nilmani/-

AFR/NAFR	NAFR
CAV DATE	N/A
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Transmission Date	N/A

