

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6674 of 2018

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Seema Kumari Wife of Satyendra Kumar, Resident of Arawan, Police Station-
Ben, District- Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through Secretary Water Resources Department, Govt. of Bihar, Patna.
2. The Director Water Resources Department (Flood Control and Disposal) Govt. of Bihar, Patna.
3. The Chief Engineer, Water Resources (Flood Control and Disposal) Govt. of Bihar, Patna.
4. The District Magistrate, Nalanda.
5. The Superintendent Engineer Bihar Sharif Circle, Water Resources (Flood Control and Disposal) Govt. of Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar, Adv.
For the Respondent/s : Mr. AAG-3

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL JUDGMENT

Date : 06-03-2024

Heard learned counsel for the petitioner and
learned counsel for the State.

2. The present writ petition has been filed for
quashing the order contained in letter no. 403 dated 01.02.2018
by which the application of petitioner for appointment on
compassionate ground was rejected on Class-III/IV post.

3. Learned counsel for the petitioner submits that
the petitioner was working on Class-IV grade employee on the
Department of Water Drainage Division/Supply, Bihar Sharif,
Nalanda, who died in harness on 08.04.2017. She died leaving

behind her only two legal heirs, namely, Seema Kumari and Amita Devi both married. He further submits that the petitioner is a married daughter but she was living with her mother and totally dependent on the deceased employee. The petitioner has requisite qualification to be appointed on compassionate ground.

4. Learned counsel for the petitioner further submits that the petitioner has filed application to her appointment on compassionate ground after death of her mother. The other daughter has also filed an affidavit in this regard that she has no objection for the same but her claim for appointment has been rejected by the respondent-authority contained in the letter no. 403 dated 01.02.2018 which is Annexure- 4 of the writ petition. He further submits that the claim of the petitioner has been rejected on the ground that married daughter could not be considered as competent to be appointed on compassionate ground. He further submits that the State of Bihar through General Administration Department has issued a letter no. 16973 dated 10.12.2014 under which married daughter is also found to be a fit person for compassionate appointment.

5. Learned counsel for the State submits that the petitioner due to her marriage is not fit for appointment on compassionate ground. On the one hand in the counter-affidavit,

the said letter no. 16973 dated 10.12.2014 has been annexed by the respondent-authority but on the other hand, they have not considered the petitioner found to be fit for compassionate appointment.

6. In this regard, the Court after going through the pleadings and hearing the argument, particularly, in the light of the changed law which has been amended in this country with regard to Hindu Succession (Amendment) Act, 2005 by virtue of the Act No. 39 of 2005 *w.e.f.* 09.09.2005 and subsequently the latest decision of Hon'ble Supreme Court of India decided in Civil Appeal No. Diary No. 32601 of 2018 reported in ***AIR 2020 SC 3717, Vineeta Sharma Vs. Rakesh Sharma*** dated 11.08.2020 in which it has been decided by the Hon'ble Supreme Court of India with regard to Hindu daughter. Now, a Hindu daughter become the coparcener of her brother and upon the insertion of the new law and decision by the Hon'ble Supreme Court of India, this Court is of the view that there is absolutely no legal difference between a Hindu daughter and a Hindu son. All rights which has been vested in a Hindu son has also vested in a Hindu daughter. Though that aspect has already been considered in the circular annexed by the State in Annexure-A, *i.e.* letter no. 16973 dated 10.12.2014. Hence, the

order rejecting the claim of the petitioner contained in Annexure-4, *i.e.* letter no. 403 dated 01.02.2018 is hereby set aside.

7. The respondent no. 5 is directed to do the needful in accordance with law with regard to the petitioner’s case and place this matter before the Compassionate Committee for taking lawful step.

8. With this direction, the present writ application stands disposed of.

(Dr. Anshuman, J.)

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AFR/NAFR	AFR
CAV DATE	NA
Uploading Date	13.03.2024
Transmission Date	NA