

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14216 of 2021

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Pankaj Kumar Son of Late Krishna Kumar Yadav Resident of Village-
Nawtoliya Ward No-1, P.S. and P.S.-Madhepura, Dist-Madhepura.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary Govt. of Bihar, Patna.
2. The Principal Secretary, Dept. of Irrigation Water Resources, Govt. of Bihar, Patna.
3. The District Magistrate Supaul-cum Chairman, District Compassionate appointment Committee, Supaul.
4. The Chief Engineer, Irrigation Water resources Dept. Saharsa.
5. The Superintendent Engineer Irrigation Circle, Saharsa.
6. The Executive Engineer, Irrigation Division, Triveniganj, Supaul.
7. The Sub Divisional Officer irrigation Sub Division Triveniganj, Supaul.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 5759 of 2021

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Ravi Kumar Ranjan, Son of Late Krishna Kumar Yadav, Resident of Village-
Dafarkha, P.S.-Triveniganj, District Supaul.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Water Resources Department, Bihar, Patna.
2. The Secretary, Irrigation Department, Bihar, Patna.
3. The Engineer-in-Chief, Irrigation Department, Bihar, Patna.
4. The Executive Engineer, Irrigation Division, Triveniganj.

... .. Respondent/s

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Appearance :

(In Civil Writ Jurisdiction Case No. 14216 of 2021)

For the Petitioner/s : Mr.Pawan Kumar Singh, Adv.

For the Respondent/s : Mr.Vikash Kumar (SC-11)

(In Civil Writ Jurisdiction Case No. 5759 of 2021)

For the Petitioner/s : Mr.Brajesh Kumar Singh, Adv.

For the Respondent/s : Mr.Lalit Kishore (AG)

Mr.Venkatesh Kirti, JC to GA-2

For the Intervenor : Mr.R.C.Bharti, Adv.

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH



ORAL ORDER

5 18-01-2024

1. While the first writ petition has been filed by the son from the first wife of the deceased employee, for consideration of his case for compassionate employment, the second writ petition has been filed by the son from the second wife, for grant of compassionate employment.

2. At the outset, reference has been made to a circular dated 23.06.2005, issued by the Personnel and Administrative Reforms Department, Government of Bihar, Patna, wherein it has been postulated that in case a Government servant contracts second marriage without permission of the State Government and he/she dies in harness, the children of the second wife shall not be entitled to compassionate employment.

3. The learned counsels, appearing for the parties in both the cases are in agreement that considering the aforesaid circular dated 23.06.2005, as also the judgment dated 10.04.2017, passed by the learned Division Bench of this Court in L.P.A. No.1167 of 2014 (Kalawati Devi vs. The State of Bihar and Ors.), wherein it has been held that since second marriage of the Government employee, was made during subsistence of first marriage, the same is illegal, hence the second wife is not entitled to any family pension, the son from the second wife of the deceased employee is not entitled for



grant of compassionate employment.

4. Having regard to the facts and circumstances of the case, I deem it fit and proper to dispose off the aforesaid two writ petitions with the express agreement of the learned counsel for the parties, with a direction to the respondent-authorities to consider the case of the petitioner of the first case i.e. Sri. Pankaj Kumar, for grant of appointment on compassionate ground, in accordance with law, in case there is no other impediment.

5. The writ petitions stand disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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