

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8034 of 2018

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Ankush Kumar son of Late Bindeshwari Prasad, Resident of Mohalla- Nai Bazar, P.S. Bhagwan Bazar, District- Chapra.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The District Magistrate-cum- Chairman of the District Compassionate Appointment Committee, Saran.
3. The Establishment Deputy Collector, Saran.
4. The Sub- Divisional Officer, Sadar Sub- Division, Saran.
5. The Circle Officer, Sadar Circle, Saran.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Gyan Prakash, Adv Miss Parul Priya, Adv
For the Respondent/s	:	Mr.Md.Nadeem Seraj -Gp5 Ms Shalini AC to GP-7

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 30-04-2024 Heard learned counsel for the petitioner and counsel
for the State.

2. This writ petition has been filed for directing the respondents to appoint the petitioner on compassionate ground as his father has died in harness on 04.10.2015 while working as Office Peon in Sub-Divisional Office, Sadar, Chapra. Further for quashing of Memo No. 741 dated 24.06.2017 issued by the District Magistrate, Saran by which the petitioner's application for compassionate appointment has been rejected and for any relief which the petitioner is entitled to.

3. Counsel for the petitioner submits that the



petitioner's father was working as Peon in Sub-Divisional Office, Sadar, Chapra has died in harness on 04.10.2015. He submits that his elder son was employed on fixed remuneration as Prakhanda Teacher since year 2012 who got separated from the family members and his relationship was not good with family members. By the intervention of villagers, he has separated himself since 09.06.2013. Counsel submits that in support of his contention, *ration card* and other documents have been attached. Counsel submits that petitioner has passed B.Sc Mathematics Honors from Jayprakash University, Chapra in the year 2013 and completed diploma in computer education in the year 2011. He also submits that the petitioner belongs to Extremely Backward Class and his annual income is Rs. 60,000/- in which livelihood of the petitioner, mother and two unmarried sister has to go. Counsel submits that the widow of the deceased employee has applied for employment on compassionate ground on 08.01.2016. The District Appointment Committee has rejected the petitioner's application stating that there is already one earning member in the family, as such, her employment cannot be made. Counsel submits that he has filed the supplementary affidavit indicating that mother has filed the maintenance case against his son who is employed.



4. Counsel for the State on the other hand submits that the claim of the petitioner has been duly considered by the authorities and his claim has been rejected accordingly, in accordance with law, as brother of the petitioner is already in service and, as such, his case has not been considered and rejected. Counsel also submits that this maintenance case was filed by the mother on 26.04.2024 only with a view to convince this Court that petitioner's family is in financial constraints.

5. Upon hearing the parties and going through the documents on record, it transpires to this Court that authorities have rejected the claim of the petitioner in accordance with law. From the educational qualification of the petitioner, it transpires to this Court that he has completed his degree in B.Sc honors and having technical knowledge of computer, as such, he is in a position to create self employment.

6. With the aforesaid observation, this writ petition stands dismissed.

(Dr. Anshuman, J)

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