

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7577 of 2018

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Upendra Paswan Son of Shri Ganga Ram Paswan, Resident of Village-
Narayanpur, P.S. Sakarpur, District-Darbhangha.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The District Magistrate, Darbhanga.
3. The Superintendent of Police, Darbhanga.
4. The S. D.O. Darbhanga.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Ajay Kumar Jain, Adv.
For the Respondent/s	:	Mr.Raghwanand- GA11
	:	Mr.Prabhat Kumar, AC to GA11

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 10-04-2024 Heard learned counsel for the petitioner and learned
counsel for the State.

2. The present writ petition has been filed for directing the respondents for the appointment of the petitioner on the post of Chowkidar on compassionate ground in place of Late Rupelal Paswan who died in harness on 22.04.2008 working on the post of Chowkidar.

3. Counsel for the State raised preliminary objection and submits that case of the petitioner is not maintainable at all due to the reason that the petitioner is the grandson of Rupelal Paswan who was in service of Chowkidar. He submits that after death of Rupelal Paswan, his son had applied for compassionate



appointment in which consent of other family members were there.

4. Counsel further submits that the case of son of the deceased employee was considered and District Compassionate Committee has selected him to be appointed on the post of Chowkidar which is Annexure-C of the writ petition, and therefore, once the case of compassionate appointment has been considered, recommendation made thereafter further compassionate to the grandson is not permissible.

5. In response, counsel for the petitioner submits that though recommendation was made, but actual appointment could not be made. Counsel relied on letter No.4381 dated 01.04.2014 of the General Administration Department in which a guideline relating to appointment of maternal and paternal grandsons of dead Chowkidar/Dafadar has been made, according to which appointment of grand children is permissible only when no other members present in the family.

6. Counsel for the petitioner also relied on order dated 11.03.2024 passed in C.W.J.C. No.6085 of 2023 in case of Ravi Ranjan Kumar Vs. The State of Bihar submitting that relating the present case, an SLP No.22171 of 2023 is pending.

7. After hearing the parties, this Court is of the firm



view that once the case of son has been considered by the Government for recommendation to be appointed on compassionate ground then in that case, grandson has no case and hence, on this ground, this writ petition is dismissed.

8. So far as the petitioner's plea about the similar case pending in SLP No.22171 of 2023 is concerned, this Court hereby grants liberty to the petitioner that after disposal of the said SLP, if the merit touches as like that of present case, he shall be at liberty to file a fresh representation.

9. With the aforesaid direction, the present writ application is hereby dismissed.

(Dr. Anshuman, J.)

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