

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12712 of 2024

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Most Rasho Devi W/o Late Pradeep Kumar Sharma @ Pradip Sharma,
Resident of Village- Chandpura, P.S.- Nima Chandpura, District- Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Chief Secretary, Government of Bihar, Patna.
3. The Director General of Police, Bihar, Patna.
4. Deputy Inspector General of Police, Bihar Special Armed Police, Patna.
5. The Commandant, Bihar Special Armed Police- II Dehri.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh, Adv.
For the Respondent/s : Mr. Government Pleader (3)

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 29-08-2024 Heard learned counsel for the petitioner and learned
counsel for the respondents.

2. The present writ petition has been filed for the
following relief/s:-

I. For directing the respondent authorities to appoint
the petitioner's youngest son on compassionate ground on
account of death of petitioner's husband.

II. For quashing the office order contained in Memo
No.4206 dated 10.10.2022 (annexed as Annexure-P/1) issued by
the Commandant of Bihar, Special Armed Police-II, Dehri.

III. For quashing the letter contained in Memo No.265
dated 10.01.2023 and Memo No.2468 dated 30.05.2023



(annexed as Annexure-P/4 series) issued by the Commandant of Bihar, Special Armed Police-II, Dehri (respondent no.5).

3. Learned counsel for the petitioner submits that the petitioner is a widow whose husband has died leaving behind his four sons. Counsel submits that the petitioner has filed representation for consideration of appointment on compassionate ground of her youngest son. Counsel submits that petitioner's representation is annexed as Annexure-P/6 series.

4. Learned counsel for the respondents on the other hand submits that the petitioner's representation has already been rejected *vide* Annexure-P/5 due to the reason that one son of the petitioner is already in the service.

5. In response thereof, learned counsel for the petitioner relying on a judgment in case of ***Niraj Kumar Mallick Vs. The State of Bihar & Ors.*** reported in ***(2018) 2 PLJR 951*** in which liberty was granted to the petitioner to file representation before the authority concerned to seek compassionate appointment particularly when other family members are in employment.

6. In this view of the matter, the present writ petition stands disposed off directing the petitioner to file a fresh



representation before The Commandant, Bihar Special Armed Police- II Dehri (respondent no.5) who shall verify the status of the family in the light of the above said judgment and if found that the petitioner is entitled, then do the needful otherwise, if the authority concerned found that the petitioner is not entitled, then in that case, he shall pass a reasoned and speaking order within 90 days from the date of production of the order.

(Dr. Anshuman, J)

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