

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14770 of 2024

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Tarkeshwar Rai Son of Late Kamla Rai R/o Vill. and Police Station and P.O.-
Dariyapur, District- Saran.

... .. Petitioner/s

Versus

1. The State of Bihar through The Principal Secretary, General Administration Department, Govt. of Bihar, Patna.
2. The Deputy Secretary, General Administration Department, Govt. of Bihar, Patna.
3. The Under Secretary, Department of Home Affairs of Bihar at Patna.
4. The District Magistrate, Saran.
5. The Senior Deputy Collector, General Administration, District- Saran.
6. The Sub- Divisional Officer, Sonapur, Saran.
7. The Circle Officer, Dariyapur, Saran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Praveen Ranjan, Advocate
For the Respondent/s : Mr. Sarvesh Kumar Singh, AAG-13

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CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

3 03-10-2024 Learned counsel for the petitioner as well as learned

counsel appearing on behalf of the State-Respondents are

present.

2. The petitioner is the son of the second wife of one
Kamla Rai, a Chowkidar in the Circle Office, Dariyapur, Saran.
The said Kamla Rai died on 11.05.2013. In the year 2014, the
petitioner submitted his application for compassionate
appointment, the said application was rejected on the ground
that the petitioner did not acquire the requisite qualification.
Subsequently, after acquiring requisite qualification, he



submitted second application before the concerned Authority for his employment on compassionate ground.

3. Since, the petitioner is the son of deceased Chawkidar-Kamla Rai through his second marriage, the Collector, Saran sent the said application for obtaining opinion to the Home Department, Government of Bihar, Patna. The Home Department, Government of Bihar, Patna informed the District Magistrate, Saran at Chapra vide letter dated 29.09.2020 to act in accordance with the notification issued by the Home Department on 23.06.2015. The copy of the said notification dated 23.06.2015 was sent to the District Magistrate, Saran at Chapra.

4. It is contended on behalf of the petitioner that till date, the application of the petitioner has not been considered by the District Magistrate, Saran at Chapra and the same remains pending.

5. The issue relating to eligibility of the son of a deceased Government Servant for employment on compassionate ground was considered and decide by the General Administration Department vide Letter No.22/11715 dated 13.07.2022. By virtue of the aforesaid notification, the direction issued by the General Administration Department vide



letter No.937 dated 23.06.2015 has been modified and amended in view of Full Bench decision of this Court dated 18.04.2019 passed in L.P.A. No.1305 of 2013 and connected matters in the case of The Bihar State Electricity Board and others Vs. Chandra Shekhar Paswan and others. By passing the said order, Notification No.937 dated 23.06.2015 issued by the Personnel and Administrative Reforms Department, Government of Bihar, Patna stood quashed to the extent it prevents the children from the second wife for being considered from the appointment on compassionate ground. The respondents in L.P.A. No.1305 of 2013 were directed to consider the claim of the respondent-writ petition-Chandra Shekhar Paswan for appointment on compassionate ground and issue appropriate orders as early as possible preferably within three months from the date of receipt/production of copy of the order.

6. In view of such direction passed by the Full Bench of this Court, Notification No.937 dated 23.06.2015 on the basis of which the District Magistrate, Saran at Chapra was directed to consider the application of the petitioner having been quash. The application of the petitioner is required to be considered on the basis of Notification No.11715 dated 13.07.2022.

7. Since, the application for compassionate



appointment of the petitioner is pending for last seven years or so, the District Magistrate, Saran at Chapra is directed to get the said application disposed of in accordance with the Notification No.11715 dated 13.07.2022 through the District Compassionate Appointment Committee and pass appropriate order within 90 days from the date of communication/receipt of this order.

8. With the above order, the instant writ petition is disposed.

(Bibek Chaudhuri, J)

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