

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13551 of 2024

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Ram Narayan Pathak S/O Late Damodar Pathak Resident of Village-
Vishwambharpur, P.O. and P.S.-Bihta, District-Patna

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary-cum-Finance Commisioner, Finance Department,
Govt. of Bihar, Patna.
3. The Director, (Press and Stationery), Finance Department, Govt. of Bihar,
Patna.
4. The Deputy Secretary, (Press and Stationery), Finance Department, Govt. of
Bihar, Patna.
5. The Superintendent, Secretariate Press, Govt. of Bihar, Gulzarbagh, Patna.
6. The District Compassionate Committee, Patna through the District
Collector, Patna-cum-Chairman.
7. The Deputy Collector, Establishment, Patna, District-Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Ms. Anju Jha, Advocate
For the Respondent/s : Government Pleader 26

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 09-09-2024 Heard learned counsel for the petitioner and learned
counsel for the State.

2. The present writ petition has been filed for
quashing the letter no. 787 dated 29.05.2018 passed by the
Superintendent, Secretariat Press, Gulzarbagh, Patna and also
the part of Memo No. 880 dated 03.05.2018 issued under the
signature of the Deputy Collector, Establishment, Patna
Collectorate whereby and where under the claim of appointment
of the petitioner on compassionate ground on account of death



of the petitioner's father in harness on 01.03.2017 while posted as Corrector in the Secretariat Press, Gulzarbagh, Patna, had been rejected by the District Compassionate Committee, Patna in its meeting dated 28.04.2018 and further for a direction to the respondents to appoint the petitioner on compassionate ground along with all consequential benefits.

3. Learned counsel for the petitioner submits that the claim of the petitioner has been rejected on the ground that the brother of the petitioner was in service but counsel submits that the said brother who was in service is not looking after the family and he has already entered into the partition in the year 27.10.2016 and he is living separately with his wife and children from the family after the death of his father. The petitioner's mother is living with the petitioner and his family. Counsel further submits that the said partition deed has been annexed as Annexure- 6. Counsel submits that in support of his argument he relied on the Full Bench judgment of this Hon'ble Court dated 02.05.2018 in the case of **Niraj Kumar Mallick Vs. The State of Bihar & Ors. passed in CWJC No. 17143 of 2016** along with other analogous cases in which it has been said that in a situation where one of the person was in service, his case ought to be tested by the organization that whether the person



aggrieved on the verge of starvation, destitution and penury, the authority of the State would be liable to consider the application of other dependents for appointment on compassionate ground. Counsel submits that liberty may be granted to the petitioner to file representation before the authorities concerned to check the same in that view of the matter.

4. Learned counsel for the State, on the other hand, submits that decision with regard to the petitioner has already been taken place and the district compassionate committee has categorically taken a decision in this matter.

5. After going through the pleadings and the points available on the record as well as in the decision of the Full Bench, it transpires to this Court that it has to be decided at the level of the State authorities to look into the status of the family of the petitioner and if they are on the verge of starvation, destitution and penury or not, but from the record it is clear that the petitioner's mother is getting family pension and certain area has been allotted in favor of the petitioner but since the matter has to be decided at the level of the State authorities, therefore, in the light of the Full Bench this Court directs the petitioner to file representation and the district compassionate committee shall decide this matter in accordance with law in the light of the



guidelines made in the decision of the Full Bench and consider it within 90 days from the date of receipt/production of a copy of this order.

6. Accordingly, the writ petition stands disposed off.

(Dr. Anshuman, J.)

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