

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.152 of 2024

Indradev Yadav son of Late Nuneshwar Yadav, resident of Village-Laharnia
Tand, Police Station-Jhajha, District-Jamui.

... .. Petitioner/s

Versus

1. The State of Bihar through Secretary-cum-Commissioner, Department of Rural Development, Government of Bihar, Patna.
2. The District Magistrate, District-Nawada.
3. The Executive Engineer, Rural Development Special Division at Nawada, District-Nawada.
4. The Assistant Engineer, Rural Development Special Division at Nawada, District-Nawada.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Mani Bhushan Kumar, Adv., Mr. Pramod Kumar, Adv.
For the State	:	Mr. Ajay Behari Sinha (GA-8)

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

3 02-08-2024 By filing the instant writ petition, the petitioner has prayed for quashing the order passed vide Memo No. 28, dated 29th October, 2022, by which the Committee of the Compassionate Appointment rejected petitioner's application for compassionate appointed along with incidental and consequential relief.

2. The father of the petitioner was a Government employee. He was untraceable since 28th November, 2002. Previously, the petitioner being the son of the above mentioned employee prayed for his appointment in Government service on compassionate ground. However, his application was rejected.



The petitioner being the aggrieved, approached this Court in Constitutional writ jurisdiction by filing C.W.J.C. No. 2948 of 2008. The said writ petition was dismissed. Against the order of dismissal of the writ petition, the petitioner preferred L.P.A. No. 1578 of 2014. The appeal was also dismissed on contest. Subsequently, the petitioner preferred another application. The said application was again rejected on the ground that the application was not filed within the time period within which an application for compassionate appointment ought to be filed. The said order is under challenge in the instant writ petition.

3. I have heard the learned counsel for the petitioner and the respondents.

4. The issue involved in the instant writ petition is whether a dependent family members of a missing person can get compassionate appointment or not was dealt with in Personnel and Administrative Department, Government of Bihar by Notification No. 3/C-233/207-ka/7146, dated 31st October, 2008, decided that in view of Notification No. 281, dated 1st February, 2006 and Letter No. 4265, dated 4th December, 2007, it is decided that in respect of compassionate appointment of the dependent family members of a missing Government employee (lapata sarkari sevak), the one of the dependent family members



cannot take the advantage of compassionate appointment because after seven years of his missing, a person can be treated as dead in the eye of law. Since the prayer for compassionate appointment is declared to be made within five years from the death of the petitioner. The said period cannot be extended in respect of the missing Government employee.

5. In view of such notification and for the reason that the petitioner's case was once considered and rejected by this Court, I do not find any merit in the instant writ petition and accordingly, the instant writ petition is dismissed on contest, however without any costs.

(Bibek Chaudhuri, J)

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