

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18404 of 2018

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Kunal Kumar Son of Late Basant Das Resident of Mohalla-Dharam Samaj
Chowk, Ward No.13, Jamla Road, P.O.+ P.S. Motihari, Town, Distt.-East
Champaran

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The District Magistrate-cum-Chairman, Distt.-Compassionate Committee,
East Champaran

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Pravin Kumar, Advocate
For the Respondent/s	:	Mr. Manish Kumar, GP-4
		Mr. Manoj Kumar, AC to GP-4

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL JUDGMENT
Date : 08-01-2024

Heard learned counsel for the petitioner and
learned counsel for the State.

2. The present application has been filed for
issuance of mandamus for grant of compassionate
appointment to the petitioner because father of the petitioner
died during service period in the year 2016 particularly on
29.03.2016.

3. Learned counsel for the petitioner submits
that father of the petitioner was in service in District



Consumer Forum, at East Champaran, Motihari, working as Head Assistant. During service he died on 29.03.2016. Thereafter, the petitioner applied for compassionate appointment on 06.09.2016 in the office of the District Magistrate-cum-Chairman, District Compassionate Committee, East Champaran, Motihari. His request for compassionate appointment was rejected by the officials on the ground that the elder brother of the petitioner was in service and having earning being employee in Union of India. Counsel for the petitioner submits that the elder brother is detached himself from the family and not looking after and, as such, the present case is fit to be allowed.

4. Learned counsel for the State, on the other hand, filed the counter affidavit and submits that as per the guideline of the General Administration Department, Government of Bihar, vide Letter No.15783 dated 19.11.2014 as well as in the light of case decided in CWJC No.6668 of 2003 and CWJC No.7044 of 2003 disposed of on 27.07.2014 any member of the family of the deceased employee is gainfully employed, then compassionate appointment is not permissible.

5. Here in the present case, it transpires from



Annexure-A that policy guideline has already been framed, according to which, the petitioner is not fit for compassionate appointment. Hence, this writ petition is dismissed.

(Dr. Anshuman, J)

Mkr./-

AFR/NAFR	NAFR
CAV DATE	NA
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