

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5174 of 2025

Abhishek Kumar, Adopted Son of Tripit Narayan Singh (Father) and Sunaina Singh (Mother), Biological Son of Jagat Narayan Singh, R/o Bhagawatpur, Post - Jalpura, Police Station - Chandi, District- Bhojpur, Pin - 802161.

... .. Petitioner/s

Versus

1. The State of Bihar through the Director General of Bihar, Patna.
2. The District Magistrate-cum-Chairman, District Compassionate Committee, Samastipur, Bihar.
3. Assistant Police Inspector General (Welfare) of Bihar, Patna.
4. The Superintendent of Police, Samastipur, Bihar.
5. The Seargent Major, Samastipur, Bihar.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Kishore Kunal, Advocate Mr. Rounak Sinha, Advocate Mr. Ajit Kumar Bakshi, Advocate Mr. Rosy Sahay, Advocate
For the Respondent/s	:	Mr. J.K. Roy No. 1, SC-13 Mr. Bijay Bhushan Prasad, AC to SC-13

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 02-04-2025 Heard the parties.

2. The petitioner has approached this Court seeking a direction upon the concerned respondents to consider his case for appointment to the post of Constable on compassionate ground.

3. Mr. Rounak Sinha, learned Advocate for the petitioner has submitted that the petitioner was duly adopted by Late Tripti Narayan Singh and Smt. Sunaina Devi long back in the year 2001 after having performed all the rituals under the



Hindu law. Since 2001 the petitioner had been residing with the Late Tripti Narayan Singh and Smt. Sunaina Devi and all the family members have accepted him as the adopted son of the aforementioned parents. While the father of the petitioner was posted at Samastipur as a Hawaldar in Bihar Police, he died in harness on 13.01.2018. On account of unfortunate demise of the father, the petitioner immediately submitted his application alongwith the representation of his mother (Sunaina Devi) for appointment of the petitioner on compassionate ground.

4. On receipt of the application, the Superintendent of Police vide memo no. 2095 dated 29.06.2021 directed the mother of the petitioner to appear in physical alongwith the necessary relevant documents, including the order of the adoption passed by any competent Court. This led to filing of Title Case No. 524 of 2021 for declaration of the petitioner being adopted son of late Tripti Narayan Singh and Smt. Sunaina Devi. The Sub-Judge-I Bhojpur, Ara finally vide its judgment and decree dated 11.02.2022 declared the petitioner as an adopted son of Sunaina Devi, the copy of which is placed on Annexure-P/5. After obtaining the judgment and decree aforementioned, the petitioner submitted all the documents, whereupon the Superintendent of Police requested to the



Government Pleader, Civil Court, Samastipur for a legal opinion in the matter.

5. The learned Advocate for the petitioner further contended that the Government Pleader, Samastipur has categorically opined that in view of Hindu Adoption and Maintenance Act, 1956 and the order passed by Civil Court of competent jurisdiction, the case of the petitioner is fit to be considered by the compassionate committee.

6. Notwithstanding the aforesaid fact, the matter is pending since long and, till date, the claim of the petitioner for compassionate appointment has not been considered by the compassionate committee; hence the petitioner approached before this Court.

7. Mr. Bijay Bhushan Prasad, learned Advocate for the State contended that there is a delay and latches on the part of the petitioner, moreover the application was filed way back in the year 2018 and the relevant necessary documents have been submitted after much delay in the year 2023. However, he further submitted at the Bar that if the required documents have already been submitted before the concerned authority, the same shall be considered by the compassionate committee and it shall be brought to its logical conclusion in accordance with law.



8. Having considered the submissions advanced on behalf of the respective parties, *prima facie* this Court finds that so far issue regarding consideration of the claim of adopted son for appointment on compassionate ground is concerned, it is trite law that an adopted son stands on par with the natural son and is eligible for compassionate appointment. The issue stands settled in catena of decisions by this Court; one of the decision rendered by the Division Bench of this Court in the case of ***Jai Kumar vs. The Bihar State Electricity Board, (2015) 4 PLJR 2020*** would also clarify the position. The learned Division Bench while observing that the adopted child, who are treated under Section 12 of the Act to be for all intents and purposes natural children, and thus any discrimination while considering the claim of compassionate appointment would be unsustainable, further said that the appointment on compassionate ground is a compassion shown to meet the sudden departure of the bread earner and the consequent difficulties created by unanticipated death of the bread earner to the family, hence, the respondents are required to consider the claim for compassionate appointment, without there being any unnecessary delay'. The reliance of the petitioner on a Bench decision of this Court in the case of ***Sanjay Kumar Singh vs.***



State of Bihar & Ors., (2005) 1 PLJR 593 also finds substance in the matter.

9. After going through the materials available on record and the settled legal position, this Court does not find that there is any impediment in considering the case of the petitioner for his appointment on compassionate ground by the District Compassionate Committee, keeping in mind that the very object of the compassionate appointment is to give immediate succour to the bereaved family who lost their bread earner.

10. In view thereof, the present writ petition stands disposed off with a direction to the District Magistrate-cum-Chairman, Compassionate Committee to convene the meeting and consider the case of the petitioner and bring to its logical conclusion in accordance with law, preferably within a period of three months from the date of receipt/production of a copy of this order.

(Harish Kumar, J)

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