

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16849 of 2018

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Ajay Kumar S/o Late Satish Kumar Yadav, R/o Village and P.O.- Heru
Diyara, P.S.- Kasim Bazar, District- Munger, Bihar.

... .. Petitioner/s

Versus

1. The High Court of Judicature at Patna, through the Registrar General, Patna High Court, Patna.
2. The Registrar General, Patna High Court, Patna.
3. The District and Session Judge, Munger cum Chairman of Appointment Committee of Munger Judgeship, Distt.- Munger, Bihar.
4. The Additional District Judge, Munger cum Member No.1 of Appointment Committee of Munger Judgeship, Distt.- Munger, Bihar.
5. The Additional District Judge II Munger cum Member No. II of Appointment Committee of Munger Judgeship, Distt.- Munger, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh, Advocate
For the Respondent/s : Mr. Piyush Lall, Advocate

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL JUDGMENT

Date : 30-10-2025

Heard learned counsel for the parties.

2. The petitioner has filed the instant application
for the following reliefs:

*“(i) For issuance of writ of certiorari
for setting aside the decision of meeting of
Appointment Committee of Munger Judgeship held
on 11.6.2018, whereby and whereunder the
appointment of petitioner on compassionate
ground has been denied.*

*(ii) For issuance of writ of mandamus
commanding the Respondent authorities directing*



them to appoint the petitioner on compassionate ground on Class IV post under Munger Judgeship treating the case of petitioner on humanity ground.

Further for direction to grant any other relief/ reliefs for which petitioner is found entitle in the facts and circumstances of the case.”

3. The case of the petitioner in brief is that the father of the petitioner having died in harness on 5.6.2016 while working in Class-IV post in the Office of the Sub-Divisional Judicial Magistrate at Munger, the petitioner applied for appointment on compassionate ground on 27.9.2016 before the District and Sessions Judge, Munger. He submitted the required papers including affidavits of his mother and brother, however, the Appointment Committee of the Munger Judgeship by a decision taken in its meeting held on 11.6.2018 was pleased to reject the application of the petitioner for his appointment on compassionate ground. Hence the instant writ application.

4. It is submitted by learned counsel for the petitioner that from the materials on record, specially the decision taken by the respondent Patna High Court and communicated by letter dated 4.1.2016 to all the District and Sessions Judges of Bihar that appointment on compassionate ground be considered with a restriction that the total strength of compassionate appointees would not exceed 3% of the



sanctioned strength of the cadre in which such appointment is being considered, the respondents have incorrectly applied the said restriction in the case of the petitioner. It is submitted that the father of the petitioner died on 5.6.2016. The decision by the respondent Patna High Court having been taken and communicated by letter dated 4.1.2016, the same could not have been applied retrospectively and so far as the restriction of the total strength of compassionate appointees not exceeding 3% of the sanctioned strength of the cadre is concerned, the same had to be calculated with respect to the compassionate appointees appointed subsequent to the said decision i.e. the date 4.1.2016. Further reliance has been placed in support of his contention on the judgment of this Court dated 9.2.2023 passed in L.P.A. no. 127 of 2022. It is thus submitted that the instant application be allowed and the respondents be directed to appoint the petitioner on compassionate ground.

5. The application is opposed by learned counsel appearing for the respondents. It is submitted that the decision of the Appointment Committee of the Munger Judgeship as contained in Annexure-10 to the writ application is strictly in accordance with the decision of the Patna High Court taken on its administrative side restricting the total strength of



compassionate appointees not to exceed 3% of the sanctioned strength of the cadre. It is thus submitted that there is no merit in the instant writ application and the same be dismissed.

6. Heard learned counsel for the parties and perused the materials on record.

7. The relevant facts in brief are that the father of the petitioner who was working on a Class-IV post in the Munger Judgeship having died in harness on 5.6.2016, the petitioner made an application for his appointment on compassionate ground on a Class-IV post on 27.9.2016.

8. From perusal of the records, it transpires that a decision was taken by the Patna High Court on its administrative side and which was communicated to all the District and Sessions Judges of Bihar by letter dated 4.1.2016 of the Registrar (Admn.) I/c which was to the effect that the appointment on compassionate ground is to be considered with a restriction that the total strength of compassionate appointees would not exceed 3% of the sanctioned strength of the cadre in which such appointment is being considered.

9. A perusal of the minutes of the meeting of the Appointment Committee of Munger Judgeship held on 7.1.2025 and brought on record as annexure to the reply filed on behalf of



the petitioner would show that a report was submitted by the Nazir, Civil Court, Munger stating that the sanctioned post of Class-IV employee in the Judgeship is 170 and 5% thereof would be 8.5. As there are already 20 Class-IV employees who have been appointed on compassionate ground and all of them are working in the Judgeship, no further appointment can be made. It may be mentioned here itself that the report talks about 5% employees working on compassionate ground for the reason that subsequent to the above-mentioned decision of 3%, the same had been increased to 5%.

10. So far as the contention of learned counsel for the petitioner about the restriction of 3% being prospective and not retrospective is concerned, in the opinion of the Court, the same has been applied in a prospective manner, the father of the petitioner having died on 5.6.2016 subsequent to the said decision having been taken and communicated on 4.1.2016.

11. So far as reliance placed on the judgment dated 9.2.2023 passed in L.P.A. no. 127 of 2022 is concerned, in the opinion of the Court, the same is of no assistance to the petitioner. In the facts of the said case, the application of the petitioner therein was rejected on ground of restriction of 3% taken by the High Court on 4.1.2016 as stated herein above.



This Court while dealing with the policy of the State Government had observed that as it is the practice of the State of preserving 5% of the total sanctioned strength in a district for compassionate appointment and a new rule i.e. The Bihar Civil Court Officers and Staff (Recruitment, Promotion, Transfer and Other Service Conditions) Rules, 2022 had been promulgated which provided for 5% cap on compassionate appointment, the case of the petitioner may be considered by the High Court Administration taking the same into consideration.

12. So far as the facts of the instant case is concerned, even taking into consideration the 5% strength to be 9, as evident from the report of Nazir, there are already 20 persons working as Class-IV employees having been appointed on compassionate ground.

13. In view of the facts and circumstances stated herein above, the Court finds no merit in the instant application and the same is dismissed.

(Partha Sarthy, J)

saauravkrsinha/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	30.10.2025
Transmission Date	NA

