

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18169 of 2018

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Rita Devi Wife of Late Surya Narayan Mandal @ Suryana Mandal, Resident of
Village- Barohuja, Police Station- Kahalgaon, District- Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Director General of Police, Bihar, Patna.
2. The Principal Secretary, Department of Home, Government of Bihar, Patna.
3. The Inspector General of Police, Muzaffarpur Zone.
4. The Deputy Inspector General of Police, Saran at Chapra.
5. The Superintendent of Police, Siwan.
6. Mukesh Kumar, Son of Late Surya Narayan Mandal.
7. Manisha, D/o Late Surya Narayan Mandal.
8. Anshu Kumari, D/o Late Surya Narayan Mandal. Residents of Village-
Barohuja, P.O.- Budhuchak, Police Station- Kahalgaon, District- Bhagalpur.

... .. Respondent/s

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with

Civil Writ Jurisdiction Case No. 4757 of 2024

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Anshu Priya Daughter of Late Suriya Narayan Mandal, Resident of Village-
Barohiya, P.O. - Budhuchak, P.S. - Budhuchak, District- Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Home Department,
Government of Bihar, Patna.
2. The Director General of Police, Bihar, Patna.
3. The Inspector General of Police, Muzaffarpur Zone, Muzaffarpur.
4. The Deputy Inspector General of Police, Saran at Chapra.
5. The Superintendent of Police, Siwan.

... .. Respondent/s

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Appearance :

(In Civil Writ Jurisdiction Case No. 18169 of 2018)



For the Petitioner/s : Mr. Parth Gaurav, Advocate
Mr. Praveen Kumar, Advocate
For the State : Mr. Md. Irshad, AC to SC-1
For the Resp. No.8 : Mr. Ashok Kumar Choudhary, Sr. Advocate
Mr. Bhola Kumar, Advocate
(In Civil Writ Jurisdiction Case No. 4757 of 2024)
For the Petitioner/s : Mr. Ashok Kumar Choudhary, Sr. Advocate
Mr. Bhola Kumar, Advocate
For the State : Mr. Sajid Salim Khan, SC-25

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 19-11-2025 1. The petitioner in CWJC no.4757 of 2024 has filed
the instant application for the following reliefs :-

*“1. A. For issuance of a writ the
nature of Mandamus Commanding the
Respondents concern to consider the case of the
petitioner for compassionate appointment.*

*B. For passing any other order/s,
Command/s or appropriate writ/s which your
Lordships deem fit and proper in the facts and
circumstances of the instant case.”*

2. The case of the petitioner in CWJC no.4757 of 2024 in brief is that her father having died in harness on 6.4.2013 while working on the post of Police Sub-Inspector at Hasanpur Police Station in the district of Siwan, the mother of the petitioner namely Hemal Devi filed a representation before the Superintendent of Police, Siwan on 5.8.2016 for appointment of the petitioner on compassionate ground. As per the petitioner's case, the application continues to remain



pending before the respondent authorities.

3. The petitioner of CWJC no.18169 of 2018 filed the instant application for the following relief :-

“1. That, this writ application is being filed for the issuance of appropriate writ/ writs, direction/directions for direction for compassionate appointment of the petitioner who is a lady, whose husband died on 06.04.2013 in harness namely Late Surya Narayan Mandal, while posted as Sub-Inspector of Police at Hasanpur Police Station in the District of Siwan.”

4. The case of the petitioner of CWJC no.18169 of 2018 is that the first wife of her husband Late Surya Narayan Mandal having gone missing and being traceless for a long time, he solemnised marriage with the petitioner in the year 2003. The petitioner's name was also entered in the service book of Late Surya Narayan Mandal. The said Surya Narayan Mandal having died on 6.4.2013, this petitioner filed an application on 2.8.2018 before the Superintendent of Police, Siwan for her appointment on compassionate ground. The said application continues to remain pending before the respondents and hence the instant writ application.

5. Having heard learned counsels for the parties and on perusal of the material on record of the case it transpires that



Surya Narayan Mandal who was working on the post of Police Sub-Inspector at Police Station- Hasanpur in the district of Siwan married Hemal Devi. Out of the said wedlock, one son and three daughters were born of which the petitioner of CWJC no.4757 of 2024 happens to be one of the daughters. The first wife of the Surya Narayan Mandal having been kidnapped led to registration of Bhagalpur P.S. Case no.403 of 2000 on 11.12.2000 under section 366 of the Indian Penal Code. It was subsequently that the petitioner married Rita Devi (petitioner in CWJC no.18169 of 2018) in the year 2018 out of which two children were born.

6. Submissions were made by learned counsels for the petitioners. Learned counsel for the petitioner in CWJC no.18169 of 2018 placed reliance on the Full Bench judgment of this Court in the case of **Bihar State Electricity Board & Ors. vs. Chadra Shekhar Paswan & Anr.; 2019 (2) PLJR 500 (FB)**, while learned Senior counsel appearing for the petitioner in CWJC no.4757 of 2024 relied upon the Circular dated 13.7.2022 of the General Administration Department to submit that children born out of the second wedlock would not be entitled for appointment on compassionate ground. Further reliance was placed on the judgment of the Hon'ble Supreme



Court in the case of **Managing Director, MMTC Ltd., New Delhi & Anr. vs. Pramoda Dei @ Nayak; (1997) 11 SCC 390.**

7. The Court is not going into the details of the facts of the case and the submissions made for the reason that the case of both the petitioners who seek appointment on compassionate ground on account of the death of the deceased employee namely Surya Narayan Mandal, who died in harness, is that their respective applications still remain pending for consideration before the respondent authorities.

8. In view of the above, both these applications stand disposed of directing the respondents/the District Compassionate Committee, Siwan to take up and decide the applications for compassionate appointment of both the petitioners.

9. The death of the employee having taken place on 6.4.2013, the District Compassionate Committee, Siwan will decide the applications of both the petitioners for their appointment on compassionate ground within a period of four weeks from the date of receipt/communication of a copy of this order. In case the petitioners or any of them are not found entitled for the reliefs prayed for, reasoned order shall be communicated to them within the aforesaid period.

10. None of the observations made herein above



should be construed by the District Compassionate Committee as a finding by this Court in favour of any of the parties.

11. The applications stand disposed of with the above observations and directions.

(Partha Sarthy, J)

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