

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case no.11056 of 2021

=====

Angad Kumar Son of Late Radhey Mandal @ Radha Mandal Resident of
Village. Khiridanr, P.O.. Tarag, P.S.. Sanhoula, District. Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar through Addl. Chief Secretary, Minor Irrigation Department, Government of Bihar, Patna.
2. The Addl. Chief Secretary Minor Irrigation Department, Government of Bihar, Patna.
3. The Engineer-In- Chief Minor Irrigation Department, Government of Bihar, Patna.
4. The District Magistrate- Cum- District Compassionate Committee Bhagalpur.
5. The Executive Engineer Minor Irrigation Division, Bhagalpur, District. Bhagalpur.
6. The Senior Deputy Collector District Establishment Branch, District. Bhagalpur.
7. Smt. Bhuto Devi Wife of Late Radha Mandal @ Radhey Mandal Resident of Village. Khiridanr, P.O.. Tarag, P.S.. Sanhoula, District. Bhagalpur.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr.Ram Babu Rai, Advocate Mr. S.S.P.Yadav, Advocate Mr. Sharda Nand Mishra, Advocate
For the Respondent/s	:	None

=====

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 24.12.2025

1. Heard learned counsel for the petitioner.

2. No one appears for the respondents.

3. The petitioner in the instant application has prayed for quashing the decision of the Compassionate Committee dated 22.12.2020 issued vide Memo no. 16 dated 24.12.2020 whereby the respondents rejected the case of the petitioner for his appointment on compassionate ground in place of his father who died in harness on 12.2.2017.



4. It is the case of the petitioner that his father who was working as a Nulkup Driver in Minor Irrigation in Division Bhagalpur died in harness on 12.2.2017. The petitioner's father had performed two marriages. The petitioner being the son from the second marriage.

5. It is submitted by learned counsel for the petitioner that on the death of the petitioner's father, both the mothers of the petitioner entered into a compromise whereby the pension was drawn by Smt. Bhuto Devi, first wife of the deceased employee while it was agreed that the appointment on compassionate ground shall be given to the son of the second wife Manju Devi ie the petitioner herein. As required, affidavits sworn by both wives were enclosed with the petitioner's application. It is further submitted that no steps having been taken by the District Compassionate Committee, Bhagalpur on the application/representation filed by the petitioner, the petitioner moved this Court in CWJC no. 10630 of 2020 which was disposed of by order dated 26.2.2021 directing the petitioner to approach the District Magistrate-cum-District Compassionate Committee, Bhagalpur who was to take a final decision in this regard within a period of three months.

6. Learned counsel for the petitioner submits that



during pendency of the aforesaid writ application itself in the meeting of the District Compassionate Committee held on 22.12.2020, the application for appointment of the petitioner on compassionate ground was rejected in view of the Personnel Department letter no. 937 dated 23.6.2005, Clause 3 where of provided that no person could enter into a second marriage during the lifetime of his spouse and if any employee performed a second marriage, on his death, the dependent of such employee would not be entitled for appointment on compassionate ground. Learned counsel further submits that the decision of the District Compassionate Committee in its meeting held on 22.12.2020 was communicated to the petitioner by letter dated 23.3.2021 (Annexure-4), impugned herein.

7. It is submitted that the said order is not sustainable in view of the Full Bench judgment dated 18.04.2019 of this Court passed in LPA no. 1305 of 2013 (Bihar State Electricity Board and Ors. v. Chandra Shekhar Paswan and Ors.) wherein the said circular on which reliance has been placed by the District Compassionate Committee in rejecting the application of the petitioner has been quashed.

8. Heard learned counsel for the petitioner and perused the material on record.



9. The facts having been stated in detail herein above, the same are not being repeated.

10. The relevant facts in brief are that on the death of father of the petitioner while in service on 12.2.2017, the petitioner who happens to be the son of the second wife of the employee filed his application for compassionate appointment which came to be rejected by the District Compassionate Committee in its meeting held on 22.12.2020, the Committee having placed its reliance on the Personnel and Administrative Reforms Department letter no. 937 dated 23.6.2005. A copy of the said letter has been brought on record as an Annexure-D to the counter affidavit filed on behalf of the respondent nos. 1 to 3 and 5. It may be stated here that the Circular no. 937 dated 23.6.2005 of the Personnel and Administrative Reforms Department, Government of Bihar was the subject matter of the Full Bench judgment in the case of the **Bihar State Electricity Board and Ors. v. Chandra Shekhar Paswan** (Supra) wherein this Court held as follows.

“61. In view of the discussions made above, LPA Nos. 1305 of 2013 and 1608 of 2014 are dismissed. However, we modify the order dated 13.08.2012 passed by the learned Single Judge in CWJC No. 9329 of 2012 as under :

The impugned circular no. 937



dated 23.06.2005 issued by the Personnel and Administrative Reforms Department, Government of Bihar, Patna stands quashed to the extent it prevents the children of the second wife from being considered for appointment on compassionate ground. The respondents in LPA no. 1305 of 2013 are directed to consider the claim of the respondent-writ petitioner Chandra Shekhar Paswan for appointment on compassionate ground and issue appropriate orders as early as possible preferably within three months from the date of receipt/production of a copy of the order.”

11. Having perused the material on record and especially the contents of the judgment quoted herein above, in view of the fact that the Circular no. 937 dated 23.6.2005 stood quashed by the Full Bench of this Court to the extent that it prevented the children of the second marriage from being considered for appointment on compassionate ground, in the opinion of the Court, the decision of the District Compassionate Committee taken in its meeting held on 22.12.2020 as also the letter dated 23.3.2021 communicating the said decision to the petitioner, both contained in Annexure- 5 and Annexure-4 to the writ application are not sustainable and are both set aside.



12. The writ application stands allowed.

13. The matter is remanded to the District Compassionate Committee, Bhagalpur to take a decision afresh in view of the order passed herein above taking note of the Full Bench judgment of this Court dated 18.4.2019 passed in LPA no. 1305 of 2013.

14. The matter relating to compassionate appointment with respect to an employee who died on 12.2.2017, the Committee be convened and the decision taken within two months of the receipt/communication of a copy of this Order.

(Partha Sarthy, J)

Bibhash/.

U			
---	--	--	--

