

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9883 of 2019

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Rita Devi, W/o Late Jitendra Mallik, and daughter-in-law of late Bindeshwari Mallik, Resident of Mohalla- Gangjala Ward No.19, P.S. Saharsa, District- Saharsa.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Urban Development and Housing Department, Bihar, Patna.
2. The District Magistrate, Saharsa
3. The Nagar Parishad, Saharsa through the Executive Officer, Nagar Parishad, Saharsa
4. The Chief Councilor, Nagar Parishad, Saharsa

... .. Respondent/s

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with
Civil Writ Jurisdiction Case No. 9892 of 2019

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Chandrakala Devi, Wife of Late Lal Balmiki, Resident of Mohalla- Gandhi Path, Ward No.8, P.S. Saharsa, District- Saharsa

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Urban Development and Housing Department, Bihar, Patna
2. The District Magistrate, Saharsa.
3. The Nagar Parishad, Saharsa through the Executive Officer, Nagar Parishad, Saharsa
4. The Chief Councilor, Nagar Parishad, Saharsa.

... .. Respondent/s

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with
Civil Writ Jurisdiction Case No. 9924 of 2019

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Arjun Mallik, Son of Late Mahendra Mallik, R/o Mohalla- Gandhi Path, Ward No. 8, P.S. Saharsa, District- Saharsa

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Urban Development and Housing Department, Bihar, Patna
2. The District Magistrate, Saharsa
3. The Nagar Parishad, Saharsa through the Executive Officer, Nagar Parishad, Saharsa
4. The Chief Councilor Nagar Parishad, Saharsa

... .. Respondent/s

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with
Civil Writ Jurisdiction Case No. 9928 of 2019

Sudhir Mallik, s/o Late Mahadev Mallik, Resident of Mohalla- Gandhi Path,
Ward No. 8, P.S.- Saharsa, Distt.- Saharsa

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Urban Development and Housing Department, Bihar, Patna
2. The district Magistrate, Saharsa
3. The Nagar Parishad, Saharsa through the Executive Officer, Nagar Parishad, Saharsa
4. The Chief Councilor, Nagar Parishad, Saharsa

... .. Respondent/s

with
Civil Writ Jurisdiction Case No. 10056 of 2019

Sagar Kumar Mallik @ Sagar Kumar Mallick, son of Late Parmeshwar Mallik @ Prameshwar Mallick, resident of Mohalla- Refuzee Colony, Ward No. 6, P.S. Saharsa, District- Saharsa.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Urban Development and Housing Department, Bihar, Patna.
2. The District Magistrate, Saharsa.
3. The Nagar Parishad, Saharsa through the Executive Officer, Nagar Parishad, Saharsa.
4. The Chief Councilor, Nagar Parishad, Saharsa.

... .. Respondent/s

Appearance :

(In Civil Writ Jurisdiction Case No. 9883 of 2019)

For the Petitioner/s : None
For the Respondent/s : Mr. Abbas Haider, SC- 6
For the Municipal Corp. : Mr. Abhay Shankar Singh, Advocate

(In Civil Writ Jurisdiction Case No. 9892 of 2019)

For the Petitioner/s : None
For the Respondent/s : Mr. Kinkar Kumar, SC- 9
For the Municipal Corp. : Mr. Abhay Shankar Singh, Advocate
Mr. Akshansh Shankar, Advocate

(In Civil Writ Jurisdiction Case No. 9924 of 2019)

For the Petitioner/s : None
For the Respondent/s : Mr. Yogendra Pd. Sinha, AAG-7
For the Municipal Corp. : Mr. Abhay Shankar Singh, Advocate
Mr. Akshansh Shankar, Advocate

(In Civil Writ Jurisdiction Case No. 9928 of 2019)

For the Petitioner/s : None



For the Respondent/s : Mr. Subash Prasad Singh (Ga3)
For the Municipal Corp. : Mr. Abhay Shankar Singh, Advocate
Mr. Akshansh Shankar, Advocate
(In Civil Writ Jurisdiction Case No. 10056 of 2019)
For the Petitioner/s : None
For the Respondent/s : Mr. AC to GP-1
For the Municipal Corp. : Mr. Abhay Shankar Singh, Advocate
Mr. Akshansh Shankar, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 18-06-2025

Considering the involvement of identical issue and similar relief prayed for in all these writ petitions, the same are being taken up together and disposed off by this common order.

2. The petitioners before this Court are legal heirs/dependents of the deceased employees of Saharsa Nagar Praishad (now Saharsa Municipal Corporation), who died in harness while working on different capacities in the offices of the respondent Municipal Corporation. The petitioners, in all the writ petitions, have made their claim for compassionate appointment on account of death of their bread winner long back, a decade and two ago.

3. Learned Advocate for the Saharsa Municipal Corporation and the State submitted at the Bar that very object of compassionate appointment is to give immediate succor to the bereaved family on account of unfortunate demise of the bread winner. However, admittedly the petitioners before this Court have been surviving on account of their sustenance.



4. Learned Advocate for the Municipal Corporation referring to the counter affidavit, especially para. 3 and 4 has urged before this Court that on account of issuance of Memo No. 2503, dated 03.05.2018 by the Urban Development and Housing Department, Government of Bihar, the existing posts under Municipal Bodies, including Saharsa Municipal Council had been restructured and all the Group 'D' posts have been abolished. It has also been observed that Group 'D' Posts, which would become vacant, if the same is not in the restructured post that shall also automatically be abolished in course of time. In view of the aforesaid facts, now it is difficult for the Corporation to consider the claim of the petitioners for compassionate appointment.

5. The object of granting compassionate employment is to enable the family to tide over the sudden crisis and not to give a member of such family a post much less a post for post held by the deceased.

6. The Hon'ble Supreme Court in **Umesh Kumar Nagpal Vs. State of Haryana and Others**, reported in, (1994) 4 SCC 138, while considering the claim for employment on compassionate ground has held that 'mere death of an employee in harness does not entitle his family to such source of



livelihood. The Government or the public authority concerned has to examine the financial condition of the family of the deceased, and it is only if it is satisfied, that but for the provision of employment, the family will not be able to meet the crisis that a job is to be offered to the eligible member of the family. The Court further cautioned that it must be remembered in this connection that as against the destitute family of the deceased there are millions of other families which are equally, if not more destitute. The exception to the rule made in favour of the family of the deceased employee is in consideration of the services rendered by him and the legitimate expectations, and the change in the status and affairs, of the family engendered by the erstwhile employment which are suddenly upturned.’

7. The Apex Court in the case of **State Bank of India and Another Vs. Raj Kumar**, reported in, **(2010) 11 SCC 661**, held that ‘the claim for compassionate appointment is traceable only to the Scheme framed by the employer for such employment, and there is no right whatsoever outside such scheme. There could be no automatic appointment merely on application.’

8. In view of the settled legal proposition and the discussions made hereinabove, this Court does not find any



merit in the present writ petitions. Accordingly, all the writ petitions stand dismissed.

(Harish Kumar, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	24.06.2025
Transmission Date	NA

