

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7243 of 2023

-
1. Nirmala Devi Wife of Late Kishori Chaudhary, R/o Village/Mohalla-Dighaghat, Post Office Road - Chouhatta, P.O. - Dighaghat, P.S. - Digha, District - Patna (Bihar) Pin Code - 800011.
 2. Rekha Kumari Chaudhary, D/o Late Kishori Chaudhary, R/o Mohalla - Dighaghat, Post Office Road Choudhatt, P.O. - Dighaghat, P.S. - Digha, District - Patna, Bihar, Pin Code - 800011.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Engineer in Chief Building Construction Department, Govt. of Bihar, Patna.
3. The Superintending Engineer Building Construction Department, Govt. of Bihar, Patna.
4. The Executive Enigneer, Building Construction Department, Patna.
5. The District Magistrate-cum-Chairman District Compassionate Committee, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Sadanand Paswan, Adv.
For the Respondent/s : Mr. Sushil Kumar (Gp 22)

CORAM: HONOURABLE MR. JUSTICE ARVIND SINGH CHANDEL
ORAL ORDER

3 16-06-2025 Heard learned counsel for the petitioners as well as
counsel for the respondent-State.

2. This petition has been preferred by the petitioners being aggrieved with the order dated 24.03.2023, Annexure – 3 annexed with the petition whereby and whereunder the prayer for appointment of the petitioner no. 2 on compassionate ground has been rejected by the respondents.

3. The brief facts of the case is that the petitioner no. 1



is the widow of the Late Kishori Choudhary and the petitioner no. 2 is the daughter of the Late Kishori Choudhary. The father of the petitioner no. 2 died in harness on 25.08.2019 as Group-D employee of the Building Construction Department, Patna, Bihar. The petitioner no. 2 i.e. Rekha Kumari is the widow daughter of the Late Kishori Choudhary, her husband had died on 02.06.2019 i.e. prior to the death of the deceased employee Kishori Chaudhary. The brother of the petitioner no. 2 has got married in the year 2015 and after his marriage he is residing separately with his family. He was not dependent upon his father Late Kishori Chaudhary. Being the widow daughter the petitioner no. 2 and her mother i.e. petitioner no. 1 were dependent upon the deceased Late Kishori Chaudhary and for grant of appointment on the compassionate ground, the petitioner no. 2 with the consent of petitioner no. 1 make her application before the respondents. However, the concerned respondent rejected the application of petitioner no. 2 on the ground that being the widow daughter of the deceased employee the petitioner is not entitled to get the benefit of compassionate appointment and also on the ground that his brother is alive. Therefore, on these grounds she is not entitled to get any appointment on the compassionate ground. Hence, this petition.



4. Learned counsel for the petitioners submit that while deciding the claim of the petitioner no. 2 the concerned respondent has not considered the fact that the brother of the petitioner no. 2 i.e. Santosh Kumar has got married in the year 2015 and after his marriage he is residing separately with his family and is not taking care of both the petitioners i.e. his mother and sister. He further submits that in this regard an affidavit has already been sworn by the mother of the petitioner no. 2 but, this aspect has not been considered by the respondents while deciding her claim. Further relying upon the judgment passed by the High Court of Judicature at Allahabad, Lucknow Bench in the matter of ***Punita Bhatt @ Punita Dhawan vs. Bharat Sanchar Nigam Limited (BSNL)*** passed in Writ Application No. 7862 of 2023 dated 22.11.2024, learned counsel submits that the petitioner no. 2, being the widow daughter of the deceased employee is entitled to get appointment on the compassionate ground.

5. Counsel for the respondent-State opposes the argument raised by the counsel for the petitioners and submits that since the brother of the petitioner no. 2 is alive, therefore, in light of the prevailing guidelines of the State Government, the petitioner no. 2 is not entitled to get any appointment on the



compassionate ground. Therefore, her claim has been rightly rejected by the respondents.

6. Heard learned counsel appearing for both the parties, perused the documents annexed with the petition as well as the counter affidavits.

7. Undisputedly, the petitioner no. 2 herein is the widow daughter of the deceased employee Late Kishori Chaudhary, there is also no dispute on the point that the husband of the petitioner no. 2 has died prior to the deceased employee. Therefore, on the date of death of the employee the petitioner no. 2 was dependent upon him. Though, her brother is alive but, while deciding the claim of the petitioner no. 2 for grant of appointment on the compassionate ground the concerned respondent has not considered the fact that an affidavit has already been sworn by the petitioner no. 1 mentioning the fact that her son Santosh Kumar is residing separately from 2015 along with his family and the petitioner no. 2 is totally dependent upon her father Late Kishori Chaudhary.

8. Therefore, taking into consideration the above, the impugned order dated 24.03.2023 is hereby quashed, the matter is remitted back to the concerned respondent to reconsider the matter afresh in the light of the affidavit sworn by the mother of



the petitioner no. 2 and also taking into consideration the observation made by the High Court of Judicature at Allahabad in the case of *Punita Bhatt (supra)* and pass a reasoned order as early as possible probably within 45 days from the receipt of the copy of the Order of this Court.

9. Accordingly, the petition is disposed of.

(Arvind Singh Chandel , J)

Siddharth Soni/-

U		T	
---	--	---	--

