

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9286 of 2019

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Zeyaul Haque S/o Izaharul Haque Resident of Mohalla-Hospital Road,P.S.
Bettiah Town,Dist.-West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Patna
2. The Principal Secretary, Agriculture,Department Bihar at Patna
3. The Director, Agriculture, Bihar at Patna
4. The Joint Director, Plant Conversation,Bihar at Patna
5. The District Compassionate Committee, through the Collector (Chairman),
Madhubani
6. The Collector, West Champaran
7. The Additional Collector(Establishment), Madhubani
8. The District Agriculture Officer, Madhubani
9. The Block Development Officer, Ghoghardiha,Madhubani

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Pratap Sharma
For the Respondent/s : Mr.Anant Prasad Singh (SC15)

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 07-05-2025

Heard the parties.

2. The petitioner has approached this Court seeking a direction upon the respondent authorities to appoint him on compassionate ground against any of the suitable post in the office of the Block Development Officer, Ghoghardiha, Madhubani by setting aside the order dated 14.06.2018 wherein and whereunder the petitioner has been directed to lodge the FIR with regard to missing of his father, which in the humble submission of the petitioner is not permissible in the light of



Section 108 of the Indian Evidence Act, 1872 and also the fact that the petitioner has already informed to the police and a *sanha* was registered.

3. Learned Advocate for the petitioner taking this Court through the order passed by this Court in the earlier round of litigation, finally drew the attention of this Court to the order passed in MJC No. 1384 of 2017 which came to be disposed of on 01.03.2019 giving liberty to the petitioner to approach before the appropriate authority/forum for redressal of his grievance, in accordance with law. It is the specific contention of the petitioner that in the light of the order passed by this Court, the petitioner has filed a detailed representation before the Director, Agriculture, Bihar, Patna long back on 09.03.2019. Notwithstanding the facts, afore noted, till date the respondents authorities have not disposed of the representation of the petitioner; hence the present writ petition.

4. Learned Advocate for the State submitted that in terms of Circular dated 31.10.2008 and also the advice of the General Administration Department, an FIR ought to be lodged with respect to the missing of the father of the petitioner. It is further contended that the Apex Court time and again has emphasized that the compassionate appointment is not a matter



of right rather it is compassion shown by the State Government to the legal heirs of the deceased employee. If the provisions of the State Government stipulate that in the case of missing, an FIR is required to be lodged, it may not be overlooked.

5. Having considered the submissions advanced on behalf of the learned Advocate for the petitioner and taking note of the fact that the petitioner has already preferred a representation before the Director, Agriculture, Bihar, Patna, the same must be brought to its logical conclusion by passing a reasoned and speaking order taking note of the averments made therein.

6. In view thereof, the writ petition stands disposed of with a direction to the respondent no. 3 to consider the representation of the petitioner (Annexure-3 to the writ petition) and dispose of the same by passing a reasoned and speaking order, preferably within a period of 12 weeks from the date of receipt/production of a copy of this order.

(Harish Kumar, J)

Anjani/-

AFR/NAFR	
CAV DATE	
Uploading Date	09.05.2025
Transmission Date	

