

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.719 of 2023

In

Civil Writ Jurisdiction Case No.9144 of 2021

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1. Sayara Khatoon @ Shayara Khatoon Wife of Late Nazrul Haque Resident of care Samin Uddin, Advocate, Near Holi Mission School, Police Station- Shastrinagar, District- Patna.
 2. Zar Afashan Begum Daughter of Late Nazrul Haque, Resident of care Samin Uddin, Advocate, Near Holi Mission School, Police Station- Shastrinagar, District- Patna.

... .. Appellant/s

Versus

1. The State of Bihar through its Chief Secretary, Government of Bihar, Old Secretariat, Patna.
2. The Chief Secretary, Government of Bihar, Old Secretariat, Patna.
3. The Secretary, Home Department, Government of Bihar, Sinchai Bhawan, Patna.
4. The Director General of Police, Bihar Police, Patna.
5. The Commandant (Samadesta) Cum Chairman, Battalion Compassionate Committee, Bihar Military Police, Patna.
6. The Battalion Compassionate Committee, through the Commandant (Samadesta) cum Chairman, Bihar Military Police, Patna.
7. The District Compassionate Committee, through District Magistrate cum Chairman, District- Patna.
8. The District Magistrate cum Chairman, District Compassionate Committee, District- Patna.
9. The Principal Secretary, General Administration, Government of Bihar, Old Secretariat, Patna.
10. Shahbaz Ahmad, Son of Late Nazrul Haque, Resident of I-114, Third Floor, Mohalla- Gadhwal, Laxami Nagar, Delhi- 110092 and Permanent Resident of Village- Dostpur, Police Station- Khajauli, District- Madhubani, Bihar.
11. Sumaiya Khatoon, Wife of Md. Anwari Ali, Resident of Dariyapur, Cautry Tola, Sbji Bag, Thana- Pirbahore, Post- Bankipur, District- Patna- 800004.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Ratnesh Kumar Singh, Advocate
For the Respondent/s	:	Mr. P.K. Verma, AAG-3
		Mr. Sanjay Kr. Ghosarvey, AC to AAG-3

CORAM: HONOURABLE THE ACTING CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT



(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

Date : 16-04-2025

We have heard Mr. Ratnesh Kumar Singh, the learned Advocate for the appellants and Mr. P.K. Verma, the learned AAG-3 for the State.

2. The appellants had approached this Court *vide* CWJC No. 9144 of 2021 seeking a direction for appointment of appellant No. 2 in place of her father on compassionate ground as her father had died in harness in the year 2014.

3. It appears from the records that after the death of the government employee, an application was filed by appellant No. 2 for considering her case for appointment on compassionate ground. When no decision was taken, a writ petition was filed in the year 2015 in which there was a direction to the concerned Compassionate Appointment Committee to consider the case of appellant No. 2. Initially, the Committee rejected the case of appellant No. 2 on the ground that the rules



permitted a preferential consideration for compassionate appointment, viz., that the wife of the deceased employee would get the first preference, whereafter, in the pecking order, the preference has to be given to the son, if available, then the married daughter who has been divorced and thereafter the divorced wife of the son. However, the Committee gave a re-look to the earlier decision and considered the case of appellant No. 2 again. Because appellant No. 2 did not have the requisite height to be taken in police service, a direction was sought from the head office with regard to the case of appellant No. 2. In the meantime, an objection was filed by the son of the late employee claiming that he would also like to be considered for being given compassionate appointment. Ultimately, the prayer of appellant No. 2 was rejected by the Committee against which the writ petition was filed in which the impugned judgment was passed.

4. Several grounds were taken by the appellants before the learned Single Judge, viz., that the son never



took care of the family and that he is residing somewhere else after having changed his name, probably after proselytizing; that the appellant No. 2 was deserted by her husband, and that the circular was gender insensitive.

5. The learned Single Judge took note of all the contentions on behalf of the appellants and was of the view that the issue with respect to the correctness of the circular in question was not required to be gone into for the reason that death had taken place way back in the year 2014 and there was nothing on record to demonstrate or to prove that appellant No. 2 had been deserted by her husband and that she was the only person who should have been given compassionate appointment in order to bail out the family of the deceased from difficult times.

6. Though the reasoning given by the learned Single Judge has been assailed by Mr. Ratnesh Kumar Singh, the learned Advocate appearing for the appellants but we do not wish to interfere with the same for the



reason that the death had taken place in the year 2014 and there does not appear to be any evidence on record of the appellant No. 2 having been deserted by her husband to fall in the category of persons/ dependents who could be considered for appointment on compassionate ground.

- 7. There is no merit in this appeal.
- 8. The appeal is dismissed.

(Ashutosh Kumar, ACJ)

(Partha Sarthy, J)

Rajesh/Bibhash

AFR/NAFR	NAFR
CAV DATE	NA
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