

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3268 of 2017

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Om Kumar Mahto Son of Late Ram Chandra Mahto, Resident of Village-
Deodha, P.S.- Hasanpur, District- Samastipur.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Collector cum Chairman of District Compassionate Committee,
Darbhanga.
3. The Deputy Collector, Establishment, Darbhanga.
4. The Chief Engineer, Water Resources Department, Muzaffarpur.
5. The Superintending Engineer, Tube Well Circle, Darbhanga.
6. The Executive Engineer, Tube Well Division, Darbhanga.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Abhay Shankar Singh, Advocate

For the Respondent/s : Mr. Sudhir Kumar Upadhyay, A.C. to G.P.-7

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL JUDGMENT

Date : 28-02-2025

Heard learned counsel for the petitioner and learned
counsel for the State.

2. Learned counsel for the petitioner submits that the
petitioner has filed the present writ petition seeking a direction
to quash the decision of respondent no. 2, taken in the meeting
of the District Compassionate Committee held on 15.12.2016,
by which the petitioner's claim for appointment on
compassionate grounds was rejected. The petitioner further



prays for a direction to the respondents to appoint him on compassionate grounds due to the death of his father, late Ram Chandra Mahto, who passed away while in service on 12.04.2013 as a Tube Well Operator under the Superintending Engineer, Tube Well Circle, Darbhanga.

3. Learned counsel for the petitioner submits that the petitioner was the adopted son of late Ram Chandra Mahto, having been adopted on 18.10.2006 as per Hindu rights and rituals, when he was only about 10 years old. The said employee passed away during his service on 12.04.2013 while working as a Tube Well Driver in the Darbhanga Division under the Executive Engineer, Tube Well Division, Darbhanga. The registered deed of adoption was executed on 02.05.2013. After becoming a major upon reaching the age of 18 on 01.05.2014, the petitioner applied for compassionate appointment before the Executive Engineer, Tube Well Division, Darbhanga, on 15.07.2014. The petitioner's case was placed before the District Compassionate Committee on 12.09.2014, but it was not considered and was delayed for various reasons. Subsequently, the petitioner approached this Court through CWJC No. 2590 of 2015, which was disposed of by an order dated 12.02.2015, directing the concerned respondents to take a decision on the



petitioner's claim in accordance with the law, without expressing any opinion on its merits. Thereafter, the petitioner filed a representation along with a copy of the order, and on 23.08.2016, a decision was taken, rejecting his claim for compassionate appointment. The rejection was based on the ground that the adoption certificate was registered on 02.05.2013, whereas the deceased employee had passed away on 12.04.2013, and therefore, the petitioner's case was not considered valid. Learned counsel further submits that, prior to the execution of the registered document, an affidavit had been prepared before a Notary Public, which is annexed as Annexure-1 series to the present writ petition. Counsel submits that the deed of adoption was prepared in continuation of this affidavit and should therefore be considered valid, rather than being treated as having been executed after the death of the deceased employee. Learned counsel further submits that the petitioner is entitled to relief.

4. Learned counsel for the State submits that a counter affidavit has been filed on behalf of respondent Nos. 5 and 6. In the said counter affidavit, the decision of the District Compassionate Committee has been annexed as Annexure-D, wherein the claim of the petitioner is listed at Sl. No. 1.



5. Learned counsel for the respondents submits that Annexure-D to the counter affidavit is a document containing the decision of the District Compassionate Committee, dated 23.08.2016, in which a total of five points were discussed. One of the points raised was that the adoption certificate was registered on 02.05.2013, whereas the deceased employee passed away on 12.04.2013. Another point considered by the Committee was that the signatures in the affidavit and the service book differed in the adoption deed of 2006. He further submits that, following these discussions, the Committee finally decided the case of the petitioner along with 21 other individuals, and the petitioner's claim was rejected. This decision is annexed as Annexure-E to the counter affidavit, where the petitioner is listed at Sl. No. 1.

6. After hearing the parties and reviewing the documents, it transpires to this Court that there are two relevant documents. The first is an affidavit dated 18.10.2006, prepared before the Notary Public, and the second is a registered deed of adoption, executed on 02.05.2013. Regarding the registered deed of adoption, it is an admitted fact that the deed was executed after the death of the deceased employee. However, upon perusal of the affidavit of the Notary Public, this Court



finds that the said affidavit cannot be treated as an adoptive document, as it lacks the signatures of the natural parents.

7. As such, this Court is not inclined to grant any relief to the petitioner. Accordingly, the writ petition stands dismissed.

(Dr. Anshuman, J)

Ashwini/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	04/03/2025
Transmission Date	NA

