

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8491 of 2025

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Ved Prakash Singh Son of Late Rambachan Singh, Resident of Village-Madarpur, P.O.-Baiju Bigha, P.S.-Buniadganj, District-Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, General Administration Department, Government of Bihar, Patna.
2. The District Compassionate Appointment Committee, Jehanabad through its Chairman, District Magistrate, Jehanabad.
3. The District Magistrate cum Chairman, District Compassionate Appointment Committee, Jehanabad.
4. The Deputy Development Commissioner, Jehanabad.
5. The Additional Collector cum Senior in-charge Officer, District Establishment Branch, Jehanabad.
6. The Deputy Collector, District Establishment, Jehanabad.
7. The Block Development Officer, Makhdumpur, District-Jehanabad.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Onkar Kumar, Advocate Mr. Nawal Kishor Singh, Advocate
For the Respondent/s	:	Mr.Standing Counsel (09)

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 08-09-2025 Heard the learned counsel for the petitioner and the learned counsel for the State.

2. This writ petition has been filed for issuance of an appropriate writ(s), order(s) for quashing of the proceeding of the order of the District Compassionate Appointment Committee, Jehanabad (hereinafter referred to as the Compassionate Appointment Committee), so far as it relates to the petitioner at item no. 2, contained in memo no.832 dated 07.09.2022 issued under the signature of the Respondent no.2 whereby and where under the claim of the petitioner for



appointment on compassionate ground has been rejected on the ground that his elder brother is employed in Indian Army. And further after quashing of the order of the Compassionate Appointment Committee contained in memo no.832 dated 07.09.2022, so far as it relates to the petitioner, respondents may be directed to consider and appoint the petitioner on compassionate ground on any Class-III/class IV post in the services of the State Government with all consequential benefits.

3. The learned counsel for the petitioner submits that the application for compassionate appointment was submitted along with the affidavit of the mother that the elder son who was gainfully employed in the Army was not supporting the family and this fact has not been considered by the respondents while passing the impugned order.

4. The learned counsel for the petitioner has relied upon a Full Bench judgment of this Court in the case of *Niraj Kumar Mallick V/s State of Bihar & Ors* reported in (2018) 2 PLJR 951: (2018) SCC OnLine Pat 750.

5. The learned counsel for the State has supported the impugned order.

6. I have heard and considered the submissions of the parties. The impugned order, so far it relates to the petitioner, is a non-speaking order as it has not considered the affidavit and



the case of the petitioner from the right perspective.

7. This Court in the case of Niraj Kumar Mallick (Supra) has held as follows:

49. In terms of the clarification offered by the department, on receipt of information that other siblings of the applicant are in employment, the competent authority would be required to objectively look into the nature of the employment and the resources being generated by the employed sibling from such employment. On an objective consideration where it is found that other sibling of the applicant is gainfully employed in such an employment from which he/she is in a position and has capacity to provide sustenance/maintenance to the other dependents, the application for appointment on compassionate ground would not fit in the scheme in terms of the clarification at Annexure-'A' referred above but where it is found that the employment of the other sibling is of such a nature that it is not generating resources so as to make him able to provide both ends meet, for sustenance/maintenance to the other dependents of the deceased government employee and despite gainful employment of one of the dependents but because of his poor income from such employment he is not in a position to provide two ends meet to the other dependents, therefore they are on the verge of starvation, destitution and penury, the authorities of the State would be liable to consider the



application of other dependent for appointment on compassionate ground. No other plea in any form whatsoever would be a ground to provide the benefit of the scheme of compassionate appointment.

8. Considering the law laid down by the Full Bench of this Court in Niraj Kumar Mallick (Supre), a coordinate bench of this Court in the case of ***Mina Devi v. State of Bihar, 2023 SCC OnLine Pat 6761*** had held as under:-

“4. The mandate, as per decision of the Hon'ble Full Bench, is clear that it is required to be seen by the Authorities whether employment is such, which would generate sufficient resources to provide both ends meet for the legal heirs. It is only if such fact is established that the claim can be rejected, irrespective of the fact whether sibling is maintaining the other legal heirs or not. There is no consideration of this aspect, and therefore, petitioners would be placing before the Assistant Police Inspector General of Police (Welfare), Bihar, Patna. (respondent No. 5) material to show that income generated by the employment of the petitioner's sibling is insufficient to sustain the other legal heirs.”

9. Considering the aforesaid, this writ petition is allowed. Accordingly, the proceeding of the order of the District Compassionate Appointment Committee, Jehanabad so far as it relates to the petitioner at item no. 2, contained in memo no.832 dated 07.09.2022 issued under the signature of the Respondent no.2 is hereby set aside.



10. The District Compassionate Appointment Committee, Jehanabad (Respondent No. 2) and the District Magistrate-cum-Chairman, District Compassionate Appointment Committee, Jehanabad (Respondent No. 3) are directed to convene the meeting of the District Compassionate Appointment within four weeks and take a fresh decision in accordance with law and in the light of the judgment of this Court in the case of *Niraj Kumar Mallick (Supra)*.

(Sandeep Kumar, J)

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