

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12043 of 2019

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Madhuri Devi Widow of Late Shivakant Pandey, R/o Vill.- Janardhanpur,
P.S.- Durgawati, Distt.- Kaimur at present Mohalla- Dhantolia, Ward No. 26,
Dihari, P.S.- Dihari, P.S.- Dihari, District- Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Home Department,
Bihar, Patna
2. The Director General of Police Bihar, Patna
3. The Senior Superintendent of Police Patna
4. The Superintendent of Police (C) C.I.D. Bihar, Patna
5. The Superintendent of Police Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Nirmal Kumar Shrivastava, Adv.
For the Respondent/s : Mr. Shailesh Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 18-06-2025 Heard the parties.

2.The petitioner has invoked the jurisdiction of this Court seeking a direction upon the respondent(s) to consider the claim of the petitioner and appoint her son Ajay Kumar Pandey on compassionate ground on account of the death of the petitioner's husband in harness on 04.01.2016.

3. Learned Advocate for the petitioner submitted that after the unfortunate demise of the husband of the petitioner, immediately an application came to be filed for appointment on compassionate ground on behalf of elder son of the petitioner; however, the same could not be finalized. Hence, the present writ petition.



4. A counter affidavit has been filed, wherein it is categorically averred that in course of enquiry it has been found that elder son of the deceased employee has been working as Sub Inspector in BSF and, as such, in view of the law laid down by this Court, the second son of the deceased employee cannot be extended compassionate appointment.

5. Mr. Shailesh Kumar, learned Advocate for the State taking this Court through the decision rendered by the Full Bench of this Court in **Niraj Kumar Mallick v. The State of Bihar and Others [(2018) 2 PLJR 951]** has contended that the issue already came to be settled that in case any of the dependent of the deceased employee is gainfully employed whether he is living with the family or not, the benefit of compassionate appointment cannot be extended save and except if the income to the gainfully employed person is meager that it cannot sustain the livelihood of the family.

6. In view of the submissions advanced and the law laid down by the Full Bench of this Court in **Niraj Kumar Mallick** (supra), this Court does not find any merit in the writ petition. Accordingly, it stands dismissed.

(Harish Kumar, J)

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