

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 10436 of 2023

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Satish Choudhary @ Satish Chaudhari S/o Late Ram Ekbal Choudhary,
resident of Village - Nandani, P.S. - Mohiuddin Nagar, District - Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Health, Bihar, Patna.
2. The District Magistrate-cum-Chairman, District Compassionate Appointment Committee, Samastipur.
3. The Secretary, District Compassionate Appointment Committee, Samastipur.
4. The Civil Surgeon, Samastipur.
5. The In-Charge Medical Officer, Primary Health Centre, Patori, District - Samastipur.
6. The In-Charge Medical Officer, Primary Health Centre, Mohiuddin Nagar, District - Samastipur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr Suneil Kumar Thakur, Advocate
For the Respondent/s : Mr Kamlesh Kishore, AC to SC XII

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CORAM: HONOURABLE MR JUSTICE ARVIND SINGH CHANDEL

ORAL JUDGMENT

Date : 15-02-2025

This petition has been preferred by the petitioner directing the respondents to appoint the petitioner on a suitable Class III post on compassionate ground.

2 It is submitted by the learned counsel for the petitioner that the mother of the petitioner, namely, Sihanti Devi was working as an ANM at Health Sub Center, Lagunia under Primary Health Center, Patori in the district of Samastipur. She died in harness on 21.10.2019. Being a dependent son of the deceased



employee, the petitioner made an application for grant of compassionate appointment on Class III post. Some documents have been sought from the petitioner by letter dated 28.12.2019 which was deposited by the petitioner on 22.01.2020. Subsequently some more documents were sought from the petitioner which relates to his mother. Since the petitioner was not having such documents, therefore, he replied accordingly. In spite of that, no decision has been taken by the respondents as yet and the matter is still pending.

3 Learned counsel for the respondents submits that the Three Members Committee was constituted to enquire into the matter and it was found that there was some lacunae and errors present and as the date of birth of the mother of the petitioner appears to be suspicious, no decision has been taken by the respondents as yet.

4 Perusal of the enquiry report submitted by the Three Members Committee (Annexure R/E) shows that the Committee found overwriting in the service book of the deceased employee on the date of birth. It was further found by the Committee that the difference of age between the deceased employee and the petitioner is 14 years 8 months and 4 days.



5 The error found by the Committee, if accepted on its face value, undisputedly it is a fact that the petitioner is the dependent son. While deciding the claim of the petitioner for grant of compassionate appointment, the overwriting on the service book of the deceased employee cannot be considered.

6 Therefore, it would be appropriate to dispose of the petition with a direction to the respondents to decide the claim of the petitioner for grant of compassionate appointment in accordance with the relevant rules and laws and pass a reasoned order as early as possible preferably within a period of six months from the date of receipt/production of a copy of this order.

(Arvind Singh Chandel, J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	18.02.2025
Transmission Date	NA

