

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18226 of 2018

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Amit Kumar Raut Son of Late Arun Kumar Raut, resident of Nagar Parishad
Ward No. 25, P.O., P.S. and District- Supaul.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Urban Development and Housing, Bihar, Patna.
2. The Commissioner, Koshi Division, Saharsa.
3. The District Magistrate, Supaul.
4. The Executive Officer, Nagar Parishad, Supaul, District- Supaul.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Siddharth Prasad, Advocate Mr. Om Prakash Kumar, Advocate
For the State	:	Mr. Yogendra Prasad Sinha, AAG- 7 Mr. Rajeev Kumar Sinha, AC to AAG- 7

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL JUDGMENT

Date : 23-09-2025

Heard learned counsel for the petitioner and learned
counsel for the State of Bihar. No one appears for the Nagar
Parishad, Supaul.

2. The petitioner has filed the instant application
praying for directing the respondents to appoint him on
compassionate ground on account of his father having died in
harness on 22.9.2013.

3. The case of the petitioner in brief is that the
father of the petitioner who was working as a Tax Collector in
Supaul Nagar Parishad died while in service on 22.9.2013.



4. The petitioner submitted an application for his appointment on compassionate ground which was under consideration of the respondents as would be evident from the contents of letter no. 261-2 dated 4.7.2015 (Annexure-6) of the Senior Deputy Collector, Supaul. Not having received the order with respect to his appointment, the petitioner filed the instant application for the relief as prayed for herein above.

5. Learned counsel for the respondent State of Bihar submits that the main contesting respondent is the Nagar Parishad, Supaul.

6. On perusal of the counter affidavit filed on behalf of the Nagar Parishad, Supaul, it transpires that their case is that the appointment of the father of the petitioner was not legal, against the provisions laid down under the Municipal Act and as such, the petitioner would not be entitled for appointment on compassionate ground. At the same time, the Nagar Parishad in paragraph no. 15 of their counter affidavit state that though the appointment of the petitioner's father was not on a sanctioned post, his services was not legal and valid, nevertheless, in the circumstances, the case of the mother of the petitioner was considered on sympathetic ground and pension was granted to her. For ready reference, paragraph no. 15 of the



counter affidavit is reproduced herein below:

“15. That with regard to the statement made in paragraph no. 16 of the writ petition, it is stated that since the appointment of the petitioner’s father was not made on a sanctioned post and as such his services was not legal and valid and in that circumstances his widow is not entitled to any pension, but the mother of the petitioner, pension was considered on sympathetic ground and her pension was granted vide Memo No.-1065/Na Pa on dated 06.12.2022.”

7. Having heard learned counsel for the parties and having perused the materials on record and specially the stand of the Nagar Parishad, Supaul as stated herein above together with their statement made in paragraph no. 15, quoted above, it can only be said that the stand of the Nagar Parishad is self contradictory. With the payment of pension, it goes without saying that the Nagar Parishad has recognized the service of the father of the petitioner to be legal and valid and cannot be permitted to raise the same several years after the death of the employee. It does transpire that so far as the application of the petitioner for appointment on compassionate ground is concerned the same has still not been considered and finally



decided.

8. In view of the facts and circumstances of the case, the Executive Officer, Nagar Parishad, Supaul is directed to decide the application of the petitioner for his appointment on compassionate ground within a period of three months from the date of receipt/production of a copy of this order.

9. The writ application stands allowed with the above observations and directions.

(Partha Sarthy, J)

saurovkrishna/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	25.9.2025
Transmission Date	NA

