

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16108 of 2025

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Khushboo Kumari D/o- Late Bhajan Prasad, R/o- Nai Bazar, Sherghati, P.O. and P.S.- Sherghati, District-Gaya, Bihar, presently residing at Mohalla-Mahavir Asthan, Beldari Tola, P.O- Gaya, P.S- Civil Lines, Gaya, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through Additional Chief Secretary, General Administrative Department, Government of Bihar, Patna.
2. The Additional Chief Secretary, General Administrative Department, Government of Bihar, Patna.
3. The Collector-cum-Chairman, District Compassionate Appointment Committee, District - Gaya.
4. The Sub-Divisional Officer, Gaya Sadar, Gaya.
5. Sanjay Kumar, S/O- Late Bhajan Prasad, R/O-Nai Bazar, Sherghati, P.O and P.S- Sherghati, District- Gaya, Bihar.
6. Vijay Kumar, S/o- Late Bhajan Prasad, R/O- Nai Bazar, Sherghati, P.O and P.S- Sherghati, District- Gaya, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Gyan Shankar, Advocate
For the Respondent/s : Mr. Gautam Kumar Yadav, AC to GP-26

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CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

2 27-11-2025 The compassionate appointment is not a regular appointment. Compassionate appointment cannot be claimed as of right. It is, therefore, repeatedly stated by the Apex Court as well as different High Courts that a compassionate appointment is a backdoor appointment without following the rule of recruitment. Compassionate appointment is granted when a Government employee dies in harness to save his/her family from penury.

2. In the instant case, the petitioner is the married



daughter of the deceased-employee, who died on 8th January, 2023. During her lifetime, she was posted as an office attendant in Group-D post in the office of Sub-Divisional Officer, Gaya Sadar, Gaya. The mother of the petitioner died leaving behind two sons and one married daughter, who is the petitioner herein.

3. The petitioner filed an application for compassionate appointment on the ground that during the lifetime of her mother, his two brothers never looked after her. The eldest brother use to stay permanently in his *Sasural* (matrimonial home) and the younger brother also stays outside the house. It is the petitioner who continuously looked after her during her lifetime and especially, during her illness. It is relevant to note that the mother of the petitioner died of *Cancer*.

4. The learned Advocate on behalf of the petitioner submits that during lifetime the original employee that is the mother of the petitioner made the petitioner nominee of her death-cum-retiral benefits. It is also submitted by him by showing Annexure-P7 at page-30 that before the death her mother, the mother of the petitioner sworn an affidavit on 10th March, 2021 declaring, inter alia, that if she dies in harness, her daughter may be considered for compassionate appointment.

5. The letter of nomination and the affidavit sworn by



the mother of the petitioner are two documents relied on by the petitioner to lay stick over her claim.

6. This Courts finds that the affidavit sworn by the deceased-employee is almost in the nature of will that on the death of the employee, the petitioner is entitled to take the compassionate appointment.

7. This Court is not in a position to consider this documents at all in accordance with law relating to compassionate appointment because it is already stated that compassionate appointment cannot be claimed as of right. Secondly, nomination of the petitioner in the service record entitles her to receive the retiral benefits of her mother, as its custodian but the nomination does not also provide any right of the retiral benefits exclusively upon the nominee, rejecting the claim of the other legal heirs of the deceased-employee.

8. It is on record that against the prayer for compassionate appointment, the first son of the deceased-employee has made an objection. It is, therefore, under the consideration of the respondent-authority to decide as to whether, the petitioner is at all entitled to compassionate appointment on appreciation of the issue of penury of the petitioner and the objector.



9. The instant writ petition is held to be premature and at present no relief can be granted and the prayer made by the petitioner.

10. Respondent-authority is directed to dispose of the application filed by the petitioner and the objection filed by his elder brother, within eight weeks from the date of this order.

11. The instant writ petition is, accordingly, dismissed.

(Bibek Chaudhuri, J.)

Jyoti Kumari/-

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