

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13924 of 2016

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Priya Kumari Daughter of Late Umesh Prasad Singh @ Umesh Singh
Resident of village and P.O. Dhobwal, P.S. Khaira, District - Saran at Chapra

... .. Petitioner/s

Versus

1. In The High Court Of Judicature At Patna Through Its Registrar General, Patna High Court, Patna
2. The Registrar General, Patna High Court, Patna
3. The Registrar, Administration , I/C, Patna High Court, Patna
4. The District and Sessions Judge Cum Chairman, Appointment Committee, Civil Court, East Champaran, Motihari

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dhiraj Kumar Singh, Advocate
For the Respondent/s : Mr. Sanjeev Kumar, Advocate

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY
ORAL JUDGMENT
Date : 16-02-2026

1. The petitioner has filed the instant application for the following reliefs:

“For issuing an appropriate Writ/Writs for quashing the order dated 01.02.2016 contained in Memo No. 1225-227/E issued by the Appointment Committee, Civil Court, East Champaran, Motihari headed by the District & Sessions Judge, East Champaran, Motihari. So far it relates to the petitioner by which the claim of the petitioner to consider her case for appointment on compassionate ground has been rejected taking into consideration the direction of Hon'ble Patna High Court vide letter no. 371/ Admn. Misc. (IV-32/2009)



dated 04.01.2016.

The petitioner further prays for a direction that after quashing of the impugned order the appointment of the petitioner be considered forthwith and accordingly she should be granted all the consequential benefits flowing there from."

2. At the very outset, Learned counsel for the petitioner contended that since this matter is squarely covered under the order passed by a Coordinate Bench of this Court in **C.W.J.C. No. 25683 of 2019 (Seraj Anwar Versus The State of Bihar & Ors.)**, this writ petition may also be disposed of on the same terms and conditions.

3. In **Seraj Anwar** (supra) it has been held as follows:

"10. In the case of Indian Bank (supra) relied on by learned counsel for the petitioner, the Hon'ble Supreme Court has held as follows :-

"3. There has been some confusion as to the scheme applicable and, thus, this Court directed [Indian Bank v. Promila, (2020) 2 SCC 735] the scheme prevalent, on the date of the death, to be



placed before this Court for consideration, as the High Court [Promila v. Indian Bank, 2008 SCC OnLine P & H 2267] appears to have dealt with a scheme which was of a subsequent date. The need for this also arose on account of the legal position being settled by the judgment of this Court in Canara Bank v. M. Mahesh Kumar [Canara Bank v. M. Mahesh Kumar, (2015) 7 SCC 412 : (2015) 2 SCC (L&S) 539] , qua what would be the cut-off date for application of such scheme.

4. It is trite to emphasise, based on numerous judicial pronouncements of this Court, that compassionate appointment is not an alternative to the normal course of appointment, and that there is no inherent right to seek compassionate appointment. The objective is only to provide solace and succour to the family in difficult times and, thus, the relevancy is at that stage of time when the employee passes away.

5. An aspect examined by this judgment [Canara Bank v. M. Mahesh Kumar, (2015) 7 SCC 412 : (2015) 2 SCC (L&S) 539] is as to whether a claim for compassionate employment under a scheme of a particular year could be decided based on a subsequent scheme that came into force much after the claim. The answer to this has been emphatically



in the negative. It has also been observed that the grant of family pension and payment of terminal benefits cannot be treated as a substitute for providing employment assistance. The crucial aspect is to turn to the scheme itself to consider as to what are the provisions made in the scheme for such compassionate appointment."

11. In view of the facts and circumstances stated herein above, in the opinion of the Court, the respondents have erred in placing the restriction of 3% which was introduced for the first time several months after the death of the employee/father of the petitioner. It is the scheme prevalent on the death of the employee which would be applicable.

12. In view of the facts and circumstances stated herein above, the order impugned dated 20.4.2018 passed by the respondent no.5 is not sustainable and is accordingly set aside.

13. The respondents are directed to consider the application of the petitioner for appointment on compassionate ground at the earliest preferably within a period of two months from the date of receipt/production/communication of a copy of this order.

14. The writ application stands allowed."



4. Heard the Learned counsel for the petitioner as well as the Learned counsel for the respondents and perused the records.

5. Having regard to the submissions made by the parties, the present writ petition stands disposed of in terms of the aforesaid judgment passed in **Seraj Anwar** (supra).

6. The respondents are directed to examine the case of the petitioner in accordance with law and to take a reasoned decision in the light of the observations and directions contained in the judgment passed in **Seraj Anwar** (supra) within a period of three months from the date of receipt/production of a copy of this order.

7. Interlocutory Application, if any, shall stands disposed of.

(G. Anupama Chakravarthy, J)

Spd/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	20.02.2026
Transmission Date	

