

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3612 of 2026

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Harshit Kumar Son of Late Dr. Rajen Kumar, Resident of Flat No. 301,
Block-Block, Aparna Complex, Mukhdumpur, Digha, P.S.-Digha, District-
Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary General Administration Department, Govt. of Bihar.
2. The Additional Chief Secretary, Department of Health, Govt. of Bihar, Patna.
3. The District Magistrate cum Chairman of District Compassionate Appointment Committee, District- Darbhanga, Bihar.
4. The Civil Surgeon, District-Darbhangha, Bihar.
5. The Deputy Collector, Establishment, District-Darbhangha.
6. The Medical Officer In-Charge, Primary Health Centre, Hanuman Nagar, District-Darbhangha.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shashank Shekhar, Advocate
For the Respondent/s : Mr. Government Pleader 17

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL JUDGMENT
Date : 17-03-2026

Heard learned Counsel for the petitioner and
learned Counsel for the State.

2. The present writ petition has been filed by the petitioner for quashing Memo no. 341 dated 12.06.2024, (Annexure-7) whereby the District Compassionate Committee, Darbhanga, in its meeting dated 12.06.2024 had rejected the prayer of the petitioner for compassionate appointment on the ground that the instruction of the Respondent No. 1 as contained in Letter No. 11959 dated 30.08.2019 is not applicable in the case of



the petitioner as the said instruction in vogue from the date of the notification; whereas the father of the Petitioner died on 13.06.2009. The petitioner further prays for consequential writ of Mandamus, commanding the Respondent Authorities especially the respondent No. 3 to appoint the petitioner on compassionate basis against any post as per his eligibility and in terms of the instruction of the government as on the date of the death of the father of the petitioner the instruction of the state government as contained in Memo no. 2822 dated 27.04.1995 was in vogue, in which under clause 6 specifically contemplated that application for compassionate appointment by the dependents of the deceased employee must be submitted within 5 years from the date of death of the employee. In the present case, the father of the petitioner died on 13.06.2009 and the petitioner has made his representation for compassionate appointment on 03.06.2014 to respondent no. 4, which was within 5 years.

3. Learned Counsel for the petitioner submits that the consideration of his application for compassionate appointment has been rejected by the authorities on the ground that the petitioner does not fulfill the criteria laid down in the letter issued by General Administration Department vide Letter No. 6082 dated 15.04.2024. In the light of Circular No.11959 dated 30.08.2019, he submits that petitioner had applied for



compassionate appointment in the year 2014 and in that very time the circular contained in Memo No.2822 dated 27.04.1995 was applicable. He submits that the circular issued by General Administration Department dated 30.08.2019 shall be applicable from prospective date not from retrospective date.

4. In response thereof, Counsel for the State submits that counter affidavit is necessary to be filed and seeks four weeks time for filing counter affidavit.

5. It transpires to this Court that the contention of the Counsel for the petitioner is correct that Circular dated 30.08.2019 shall not apply to the petitioner. As such, Annexure-P/7 dated 12.06.2024 for the petitioner is concerned is hereby set aside. Respondent No.3, the District Magistrate-cum-Chairman of District Compassionate Appointment Committee, Darbhanga, is hereby directed to consider the case of the petitioner in the light of the circular contained in Memo No.2822 dated 27.04.1995 (Annexure-P/3) afresh at the earliest preferably within six months.

6. Accordingly, the instant writ petition stands allowed.

(Dr. Anshuman, J)

Mkr./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	18.03.2026
Transmission Date	

