

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5217 of 2026

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Akash Kumar Rai @ Akash Kumar son of Baidhanath Ray, Adopted son of
Late Surat Lal Rai, resident of village Jhauri PS Laukahi, District Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Chief Secretary, Government of Bihar. Patna.
3. The Inspector General of Police, Darbhanga.
4. The Deputy Inspector General of Police, Darbhanga, Bihar.
5. The District Magistrate cum District Collector, Madhubani.
6. The Superintendent of Police, Madhubani.
7. The Circle Officer, Laukahi, District Madhubani.
8. Ram Kumar Rai, son of Harshit Rai, resident of village Mahuri Rai, P S
Laukahi, District Madhubani.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Lakshman Lal Pandey, Advocate
For the State	:	Ms. Roona, AC to GP7

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 07-04-2026 Heard learned counsel appearing for the petitioner and
learned counsel appearing for the State.

2. The present writ petition has been filed for issuance
of a direction to the respondents to appoint the petitioner on the
post of Chaukidar or on any appropriate post on compassionate
grounds, on the basis that the petitioner claims to be the adopted
son of the deceased, namely Surat Lal Rai, who died during the
course of service while working as a Chaukidar at Police Station
Laukahi, District–Madhubani.

3. Learned counsel for the State has raised a



preliminary objection and submits that the learned counsel for the petitioner has relied upon Annexure P/2, which is purportedly a document of adoption in the form of an Ekrarnama executed on a non-judicial stamp on 04.04.2019. It is further submitted that the said Ekrarnama has been executed between the petitioner, claiming to be the adopted son, and the deceased Surat Lal Rai, described as the adoptive father. Learned counsel for the State contends that the said document cannot be treated as a valid deed of adoption, as it has been executed in gross violation of the provisions of the Hindu Adoptions and Maintenance Act, 1956.

4. After hearing the parties and upon perusal of the relevant provisions of law, particularly Section 9 of the Hindu Adoptions and Maintenance Act, 1956, it becomes clear that only a person having the legal capacity namely the father, mother, or guardian of a child can give a child in adoption.

5. In the present case, the alleged adoption is based upon an agreement (Ekrarnama) executed between the petitioner and the deceased himself. Such a document, executed on a non-judicial stamp, does not satisfy the statutory requirements of a valid adoption under the aforesaid Act.

6. Accordingly, this Court is of the considered view



that the said Ekrarnama cannot be treated as a valid deed of adoption. Consequently, the claim of the petitioner for compassionate appointment cannot be accepted.

7. Accordingly, the present writ petition stands dismissed.

(Dr. Anshuman, J)

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