

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7146 of 2025

1. Mina Devi Wife of Late Nagendra Ram Resident of Ward No.- 13, Panapur Langa, Near Bhuiya Sthan, P.S.- Hajipur Sadar, District- Vaishali.
2. Vikash Kumar @ Vikas Kumar, Son of Late Nagendra Ram Resident of Ward No.- 13, Panapur Langa, Near Bhuiya Sthan, P.S.- Hajipur Sadar, District- Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The D.G. of Police, Bihar Special Armed Police, Bihar, Patna.
3. The D.I.G. of Police, Bihar Special Armed Police, Northern Zone, Muzaffarpur.
4. The Commandant, BSAP-8, Begusarai.
5. The Assistant Police Inspector General of Police (Welfare), Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Ram Hriday Prasad, Advocate
For the Respondent/s : Mr. Government Pleader (26)

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL JUDGMENT

Date : 17-03-2026

Heard learned counsel for the petitioners and learned counsel for the State.

2. The present writ petition has been filed for issuance of appropriate writ, order or direction to set aside the order of Commandant BSAP-8, Begusarai dated 27.08.2021 (Annexure-7), order of Commandant cum Chairman Compassionate Committee BSAP-8, Begusarai dated 28.08.2021 (Annexure-8) and order of A.I.G. of Police, Welfare



dated 02.12.2022 (Annexure-9) and order dated 30.10.2024 (Annexure-13) by which prayer of petitioner no.2 for compassionate appointment was rejected on the ground of employment of elder brother of petitioner no.2 in Government Service. It is further prayed to direct the respondents to appoint the petitioner no.2 on the post of constable on compassionate ground, and for grant of all consequential benefits.

3. Learned counsel for the petitioners submit that the petitioners had earlier moved before this Hon'ble Court in C.W.J.C. No. 9847 of 2023 (Annexure-P/10), in which *vide* order dated 09.10.2023, petitioners were directed to file fresh representation with a direction to the respondent authority to accord due consideration in terms of decision of the Hon'ble Full Bench in the case of ***Niraj Kumar Mallick Vs. The State of Bihar & Ors.*** reported in ***(2018) 2 PLJR 951***, particularly its para 47 & 49. Counsel submits that thereafter, during the pendency of the writ petition, the respondent authority has passed order dated 30.10.2024 contained in Letter No. 264 (annexed as Annexure-P/13). Counsel submits that the petitioners filed M.J.C. petition bearing M.J.C. No. 811 of 2024 and the same was dismissed *vide* order dated 28.03.2025 with liberty to challenge the said order dated 30.10.2024 contained in



Letter No. 264 passed by the A.I.G. of Police Welfare, Bihar, Patna. Thereafter, the petitioners have filed the present writ petition.

4. Learned counsel for the petitioners further submits that it is true that the elder son of the petitioner no.1 is in government service, but the said elder son is not looking after the family. He submits that Annexure-P/15 and Annexure-P/16 are the letters which are very much relevant for consideration of the petitioners' case. But those letters have not been taken into consideration by the State authorities and the petitioners' claim was rejected. Therefore, he submits that the order contained in Letter No. 264 dated 30.10.2024 be set aside and this writ petition be allowed and a direction be given to the authorities concerned to appoint the petitioner no.2 on compassionate ground.

5. Learned counsel for the State, on the other hand, submits that the Writ Court has given specific direction for consideration of petitioners' case in the light of decision of the Hon'ble Full Bench in case of *Niraj Kumar Mallick (supra)*. Counsel submits that the petitioners' case has been categorically considered in the light of decision of the Hon'ble Full Bench and the categorical finding has come in the impugned order.



Counsel submits that in the counter affidavit, it has been stated that the Manish Kumar is the elder son and employed in government service, whereas, the second son is inclined to be appointed on compassionate ground after the death of his father, with consent of his mother. Counsel further submits that the Hon'ble Full Bench in case of Bank of Maharashtra & Anr. Vs. Manoj Kumar Deharia & Anr. (Writ Appeal No. 1007 of 2007) decided on 27.10.2009 has categorically held in para 31 that the compassionate appointment is not a vested right nor is it a hereditary right. Its grant is based on the policies and scheme which are framed by carving out an exception to the General Rule governing public appointment. Once, it is held that it is an exception to the General Rule and is granted in accordance with the Scheme or Rules formulated, then considerations to be made for grant of the appointment would be governed by the provision of the Rules or the Scheme and in that view of the matter when the Rules and the Guidelines play a dominant role, considerations have to be made in accordance with the Rules and Scheme which are applicable at the time of grant. Counsel submits that one of the family member of the petitioner no.1 is in service having income of Rs. 6,31,468/- (Rupees Six Lakhs Thirty One Thousand Four Hundred Sixty Eight) as per the



financial year 2023-2024 and the monthly income comes at the tune of Rs. 52,622/- (Rupees Fifty Two Thousand Six Hundred Twenty Two).

6. Upon specific query of the court from the counsel for the petitioners that whether the petitioner no.1 is getting family pension or not, he submits that he is not in a position to submit the amount of family pension. But, he fairly submits that the petitioner no.1 is getting family pension. It also transpires to this Court from the counter affidavit that the marriage of daughter of petitioner no.1 has already taken place.

7. As such, this Court is not inclined to interfere in this matter, and hence, this writ petition stands dismissed.

(Dr. Anshuman, J)

Divyansh/-

AFR/NAFR	
CAV DATE	NA
Uploading Date	18/03/2026
Transmission Date	NA

