

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2024 of 2017

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Shubham Kumar Son of Late Abhay Kumar Roy, resident of village - Kadwa,
Post Modiha, Police Station - Nokha, District - Rohtas at Sasaram

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Department of Agriculture, Government of Bihar, Patna.
2. The District Compassionate Committee, East Champaran, Motihari through the Collector, East Champara
3. District Agriculture Officer, East Champaran, Motihari
4. Block Development officer, Chhoradano, East Champaran, Motihari

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Jeetendra Narayan, Advocate
For the Respondent/s : Mr. Sarvesh Kr.Singh, AAG-13

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

5 19-01-2026 Heard learned counsel for the petitioner and learned
counsel for the respondents.

2. The petitioner has filed the instant application for
the following relief(s) :

*“i) for issuance of a writ of certiorari
quashing the order of the respondent no.2
communicated through memo no. 194 dated
9.3.2016,at serial no.28, whereby and where
under, the claim of the petitioner for his
appointment on compassionate ground has been
rejected;*

*(ii) for issuance of a writ of mandamus
directing the respondents to appoint the petitioner
on compassionate ground to any post
commensurate with his qualification;*



(iii) for any other relief or reliefs to which the petitioner may be deemed entitled, may be granted to him.”

3. The case of the petitioner in brief is that the father of the petitioner who was working as a Block Agriculture Officer and was posted in Chhoradano Block, after prolonged illness, died in harness on 28.8.2012 leaving behind his widow, two sons including the petitioner herein and a daughter. It is the case of the petitioner that his mother being old did not opt for appointment on compassionate ground but has sworn an affidavit in favour of the petitioner getting an appointment.

4. The petitioner applied for appointment on compassionate ground which came to be rejected by the District Compassionate Committee in its meeting held on 17.2.2016. The order dated 9.3.2016 has been brought on record as Annexure-4 to the writ application.

5. Learned counsel for the petitioner submits that the reason for rejection of the petitioner's application is the employment of his brother. It is submitted that while his brother is engaged temporarily on contract as a teacher, it is the categorical case of the petitioner that the said brother is separate and has no connection with the petitioner and his mother. It is further submitted that even the said brother has sworn an



affidavit that he does not have any objection in case the petitioner is appointed on compassionate ground. Hence the instant writ application.

6. The application is opposed by learned counsel for the respondents. It is submitted that the application of the petitioner came to be considered by the District Compassionate Committee which taking into consideration the fact of the elder brother of the petitioner being gainfully employed in Government service as a teacher, rejected the petitioner's application. It is stated that the same was done in view of the Government Circular dated 19.11.2014 of the General Administration Department. The petitioner has not made out a case for allowing the writ application and as such the same be dismissed.

7. Heard learned counsel for the parties and perused the material on record.

8. The facts in brief are that on the death of the father of the petitioner who was working as a Block Agriculture Officer on 28.8.2012 in harness, the petitioner filed an application for appointment on compassionate ground. On perusal of the contents of the order/decision of the District Compassionate Committee, it transpires that the case of the



petitioner came to be considered by the Committee who rejected the same on ground of the full brother of the petitioner being gainfully employed in Government service being a teacher in school.

9. In view of the facts of the case, the fact of the petitioner’s brother being a teacher in a Government school not having been denied by the petitioner, the Court finds no illegality in the order of the District Compassionate Committee.

10. The application is dismissed.

(Partha Sarthy, J)

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