

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8069 of 2026

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Kavita Kumari D/o - late Mukhlal yadav, W/o - Rajesh Yadav, Resident of
Village - Garwaiya, P.S. - Barachatti, Distt. - Gayaji, At present Residing in
Village - Khapiya (Nawadih), P.O. - Dhamna, P.S. - Barachatti, Distt. -
Gayaji.

... .. Petitioner/s

Versus

1. The State of Bihar, Through the District Magistrate, Gayaji, Distt. - Gayaji.
2. The District Magistrate Gayaji, Distt. - Gayaji.
3. The Chairman District Compassionate Appointment Committee, Gayaji,
Distt. - Gayaji.
4. The District Education Officer Gaya Ji, Distt. - Gaya Ji.
5. The District Program Offocer, Gaya Ji, Distt. - Gaya Ji.
6. The Headmaster Plus 2 High School Amraut, Dobhi, P.S. - Dobhi, Distt. -
Gayaji.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Mahendra Kumar, Advocate Mr. Vijay Kumar, Advocate
For the Respondent/s	:	Mr. Manish Kumar, GP (4)

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CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

2 18-06-2026 Heard learned counsel for the petitioner and learned
counsel for the State.

2. The writ petition has been filed for the following
reliefs :-

*i. For issuance of a writ in the nature of
certiorari for quashing the Resolution No.
1624/1625, dated 02.07.2025 to the extent of its
Serial No.- 15, taken by District Compassionate
Appointment Committee Gayali, Headed by its*



Chairman (Respondent No.-3) on 16.08.2025, whereby and where under Respondent No.-3 have rejected the claim of the petitioner for her Compassionate Appointment only on the ground that her brother is working in a private firm.

ii. For issuance of a writ in the nature of Mandamus directing and commanding to the respondents authority to consider the case of this petitioner for her appointment on the suitable post on compassionate ground on account of death of her father during service period.

iii. For any other appropriate writ/writs, direction/directions, order/orders, as this Hon'ble Court thinks fit and proper in the facts and circumstances of this case.

3. Learned counsel for the petitioner submits that the case of the petitioner for compassionate appointment was considered in light of Resolution Nos.1624 and 1625 dated 02.07.2025, issued by the District Compassionate Appointment Committee, Gayajee and the same is said to have been registered vide order dated 16.08.2025, which is said to have been held in the Chairmanship of District Magistrate, Gayajee, which is contrary to the dictum of Hon'ble Full Bench rendered in the case of ***Niraj Kumar Mallick v. The State of Bihar and Others***, reported in ***2018 (2) PLJR 951***.

4. It has next been submitted that the grounds of rejection as mentioned in the impugned proceeding dated 16.08.2025, only shows that because the petitioner's brother has



obtained a private job, which is not of a permanent nature, the claim of the petitioner has been rejected contrary to the purport of the scheme which has been put in place to protect the right to life of the deceased employee.

5. On the other hand, learned counsel for the State opposes the prayer of the petitioner by making a mention that initially application for grant of compassionate appointment was made by his brother and later on, the same was withdrawn and thereafter, the petitioner has made an application and insofar the factual and legal position of bringing the record, does not controvert the same. However, the learned counsel for the State further submits that there is no perversity in the order passed by the District Magistrate, Gayajee.

6. Considering the fact that there is no such consideration of the directions issued by the Hon'ble Full Bench, as contained in paragraph 48 of the said judgment, this Court finds it appropriate to set aside the decision insofar as the case of this petitioner is concerned at serial No.15 and the District Magistrate, Gayajee, is directed to make an inquiry strictly in consonance with the direction issued by Hon'ble Full Bench decision in the case of Niraj Kumar Mallick (*supra*) and all such exercises shall be carried out within a period of two



weeks from the date of representation and necessary decision shall be taken within the same.

7. Accordingly, the writ petition stands disposed of.

(Ajit Kumar, J)

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