

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10116 of 2022

Abhishek Kumar @ Abhishek Diwakar Son of Late Dr. Shyam Lal Das
Resident of Shyama Sadan at A/36, Alkapuri, Police Station- Gardanibagh,
District- Patna. Petitioner/s

Versus

1. The State of Bihar through its Chief Secretary, Bihar, Patna.
2. The Addl. Chief Secretary, Health Department, Bihar, Patna.
3. The Director-in-Chief, Health Services, Bihar, Patna.
4. The Civil Surgeon-Cum-Chief Medical Officer, Motihari.
5. The Superintendent, Sadar, Hospital, Motihari.
6. The Deputy Superintendent, Sadar Hospital, Motihari.
7. The District Compassionate Committee through its Chairman, Motihari.
8. The District Magistrate, Motihari.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Rana Ishwar Chandra, Advocate
For the Respondent/s	:	Mr. Birju Prasad, GP-13
		Ms. Shweta Anand, AC to GP-13
		Mr. Akshay Lal, AC to GP-13

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL JUDGMENT

Date : 07-07-2026

Heard learned counsel for the parties.

2. An interlocutory application (I.A. no.1 of 2024)

has also been filed by the intervenors claiming to be the second wife of the deceased employee, the marriage having taken place of the applicant with the employee on 20.5.2004 ie after the mother of the petitioner died on 24.11.1999.

3. No order is being passed on I.A. no.1 of 2024 in view of the nature of the order that the Court proposes to pass in the writ application.

4. The father of the petitioner (hereinafter referred



to as the 'deceased employee') who was working in the office of the Medical Officer, Sadar Hospital, Motihari died in harness on 18.9.2008. The petitioner who happens to be the son of the deceased employee from his first wife filed an application for appointment on compassionate ground on 9.8.2009.

5. No steps having been taken by the respondent authorities lead to the petitioner filing a writ application (CWJC no.8841 of 2014) in this Court which was disposed of by order dated 4.8.2014 (Annexure-5) in the following terms :

“This writ application is, accordingly, disposed of with a direction to the concerned authority to see to it that case of the petitioner is placed in the very next meeting of the Compassionate Committee and dealt with and decision is taken on the same in accordance with law.”

6. It is submitted by learned counsel appearing for the petitioner that no steps having been taken by the respondents inspite of the direction of this Court lead to the petitioner filing a contempt application (MJC no.3065 of 2019).

7. Thereafter, the petitioner received several communications from the respondent authorities dated



25.2.2020 (Annexure-6) as also 16.11.2021 (Annexure-8) and inspite of the prevalence of Covid-19 pandemic, it is the case of the petitioner that he appeared before the respondents on 27.11.2021 and produced the original records, as directed.

8. Unfortunately, the respondents- District Compassionate Committee rejected the application of the petitioner for appointment on compassionate ground in its meeting held on 9.12.2021 (Annexure-10) on the ground that the petitioner's application for compassionate appointment had been filed on 27.2.2021 which was beyond the period of 5 years fixed by the State Government, the death of the deceased employee having taken place on 18.9.2008.

9. It is this order dated 9.12.2021 (Annexure-10) which has been challenged by the petitioner in the instant writ application.

10. The application is opposed by learned counsel appearing for the respondents who submits that the circular of the General Administration Department, Bihar, Patna as contained in letter no.11959 dated 30.8.2019 as also the letter no.2822 dated 27.4.1995 of the Government of Bihar fix the period of 5 years from the date of death of the deceased employee for filing an application for compassionate ground.



The same not having been done by the petitioner, the application was rightly rejected.

11. Having heard learned counsel for the parties and having perused the material on record, taking into consideration the contents of the order dated 4.8.2014 passed in CWJC no.8841 of 2014 which directed the respondents to dispose of the case of the petitioner by placing the same in the very next meeting of the Compassionate Committee together with the contents of the communications/letters dated 25.2.2020 and 16.11.2021 which have been brought on record as Annexures-6 and 8 to the writ application, it is clearly evident that the application for compassionate appointment was not filed by the petitioner on 27.2.2021 which has been made a ground for rejection of his application for compassionate appointment. This Court is of the opinion that *prima facie* the application of the petitioner was made much before passing of the order dated 4.8.2014 by this Court.

12. In view of the facts and circumstances of the case, the order of respondent authorities dated 9.12.2021 (Annexure-10), so far as it relates to the petitioner, rejecting his application for compassionate ground, is set aside.

13. The respondents are directed to consider the



case of the petitioner for his appointment on compassionate ground on merits and not to reject the same on the ground of delay in its filing, which the Court has held is not correct.

14. The Respondent-District Compassionate Committee shall consider the case of the petitioner on merits within a period of three months from the date of receipt of a copy of this order.

15. It may be observed here that the applicant of I.A no.1 of 2024 has not been heard in the instant application. She claims to be the second wife of the deceased employee having married the deceased employee after the death of the first wife ie the mother of the petitioner. She will be at liberty to approach the respondent authorities. If such an application is filed, the case of the intervenor applicant shall be considered along with that of the petitioner.

16. The writ application stands disposed of with the above observations and directions.

(Partha Sarthy, J)

Shiv/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	08.07.2026.
Transmission Date	

