

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 9312 of 2023

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Nilesh Singh S/o Late Arun Singh R/o- Village- Sakrauraha, P.O.- Sakrauraha,
P.S.- Nalanda, District- Nalanda- 803111 (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Land Reforms and Revenue Department, Govt. of Bihar.
2. The District Magistrate-cum-Collector, West Champaran, Bettiah.
3. The District Compassionate Committee, West Champaran, Bettiah.
4. The District Programme Officer, Establishment, West Champaran, Bettiah.
5. The Circle Officer, Maujhaliya Block, District- West Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Priyank Deepak
For the Respondent/s : Mr.Navnit Kumar, AC to GP XVIII

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CORAM: HONOURABLE MR. JUSTICE RITESH KUMAR

ORAL JUDGMENT

Date : 27-02-2026

Heard the parties.

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

“(i) For issuance of an appropriate writ in the nature of certiorari for quashing the order/decision dated 31.01.2023 passed by the District Compassionate Committee, West Champaran vide Memo No. 104 issued under the signature of the respondent No. 2 whereby and where under the application filed by the petitioner on the basis of compassionate ground, was rejected on account of his brother being gainfully employed in railway services.

(ii) For issuance of an appropriate writ in the nature of mandamus for commanding and



directing the respondent authorities concerned to appoint the petitioner on compassionate ground as he is entitled to be appointed on compassionate ground after death of his father, namely, late Arun Singh, who died in harness on 26.12.2020 while working as a Revenue Clerk in Manjhauliya Block of District – West Champaran.

(iii) For issuance of an appropriate writ in the nature of Mandamus, commanding and directing the respondent No. 2 to appoint the petitioner on the compassionate ground.

(iv) For issuance of any other appropriate writ/writs, order/orders, direction/directions for which the petitioners would be entitled under the facts and circumstances of the case.”

3. The learned counsel for the petitioner submits that the late father of the petitioner, who was working as a Revenue Clerk in Manjhauliya Anchal in the district of West Champaran, died in harness on 26.12.2020 and, thereafter, the petitioner applied for appointment on compassionate ground along with all the relevant documents. The application of the petitioner was placed before the District Compassionate Appointment Committee, West Champaran, wherein case of the petitioner was considered along with other applications. The District Compassionate Appointment Committee, West Champaran, in its Meeting dated 31.01.2023, rejected the claim of the petitioner on the ground that one of his brother is employed in Railway services.



4. The learned counsel for the State submits that the application of the petitioner for appointment on compassionate ground has rightly been rejected, since one of his brother is working in railway services and as per the circular of the State Government, he is not entitled for being appointed on compassionate ground.

5. After having heard the parties, this Court finds that the law in this regard is no more res integra in view of the judgment of the Full Bench of this Court reported in **2018 (2) PLJR 951 (Niraj Kumar Mallick & Others -Versus- The State of Bihar & Others)**.

6. The learned counsel for the petitioner further relies on a judgment dated 23.03.2021 passed by a coordinate Bench of this Court in **CWJC No 14290 of 2019** whereby the writ petition was allowed and the matter was remitted back for consideration of the application afresh. In the above mentioned judgment, in paragraph No. 3, it has been held as follows:

“3. The learned counsel for the petitioner has referred to a judgment rendered by a Full Bench of this Court, reported in 2018 (2) PLJR 951 (Niraj Kumar Mallick & Others v. The State of Bihar through Secretary, Rural Works Department, Government of Bihar, Patna & Others), paragraph no. 48 whereof, is reproduced hereinbelow :-

“48. In terms of the clarification offered by the department, on receipt of



information that other siblings of the applicant are in employment, the competent authority would be required to objectively look into the nature of the employment and the resources being generated by the employed sibling from such employment. On an objective consideration where it is found that other sibling of the applicant is gainfully employed in such an employment from which he/she is in a position and has capacity to provide sustenance/maintenance to the other dependents, the application for appointment on compassionate ground would not fit in the scheme in terms of the clarification at Annexure - 'A' referred above but where it is found that the employment of the other sibling is of such a nature that it is not generating resources so as to make him able to provide both ends meet, for sustenance/maintenance to the other dependents of the deceased government employee and despite gainful employment of one of the dependents but because of his poor income from such employment he is not in a position to provide two ends meet to the other dependents, therefore they are on the verge of starvation, destitution and penury, the authorities of the State would be liable to consider the application of other dependent for appointment on compassionate ground. No other plea in any form whatsoever would be a ground to provide the benefit of the scheme of compassionate appointment. The learned counsel for the petitioner has submitted that the learned Full Bench of this Court has categorically held that in cases,



where it is found that the employment of the other sibling is of such a nature that it is not generating resources so as to make him able to provide both ends meet, for sustenance/maintenance to the other dependents of the deceased government servant, the authorities of the State would be liable to consider the application of other dependent for appointment on compassionate ground.”

7. Learned counsel for the petitioner further relies on a judgment dated 10.02.2026 passed by this Court in CWJC No. **8393 of 2022 (Jyoti Kumar -Versus- The State of Bhar & Others)** wherein in paragraphs No 10, 11 & 12, it has been held as follows:

“10. ... no enquiry whatsoever has been conducted by the authorities concerned in the light of the directions issued by the Full Bench of this Court in the case of Niraj Kumar Mallick (supra), specially in paragraph No. 48 which has been quoted by a coordinate Bench of this Court in order dated 23.03.2021 passed in CWJC No. 14290 of 2019. It appears that in the case of Niraj Kumar Mallick (supra) it was held that where employment of other sibling is of such a nature that he is not providing sustenance to the other dependents of the deceased Government employee, the respondent-authorities are bound to consider the application of other dependents for appointment on compassionate ground and for that purpose, the competent authority is required to objectively look into the nature of the employment and the resources being generated by the employed sibling from such employment.

11. In such view of the matter, I have got no other option but to quash Memo No. 1145



dated 06.09.2021 issued under the signature of the District Magistrate, Rohtas, Sasaram, so far it relates to the petitioner, whereby the case of the petitioner for grant of employment on compassionate ground has been rejected, merely on the ground that his brother is working in Bihar Police, which is contrary to the law laid down by the Full Bench of this Court in the case of Niraj Kumar Mallick (*supra*).

12. to conduct an enquiry in terms of Paragraph No. 48 of the judgment rendered by the Full Bench of this Court in the case of Niraj Kumar Mallick (*supra*) and thereafter shall proceed to take a decision with regard to the case of the petitioner for appointment on compassionate ground.”

8. Accordingly, the order impugned contained in Memo No. 104 dated 31.01.2023, so far it relates to the petitioner, is set aside and the matter is remitted back to the District Magistrate, West Champaran to conduct an enquiry in terms of paragraph No. 48 of the judgment rendered by the Full Bench of this Court in the case of ***Niraj Kumar Mallick (supra)*** and, thereafter, shall proceed to take a decision with regard to the case of the petitioner for appointment on compassionate ground.

9. The entire exercise, as directed above, must be completed within a period of eight weeks from the date of receipt/production of a copy of this order.

10. The writ petition stands allowed in the aforementioned terms.



11. Pending application, if any, also stands disposed of.

(Ritesh Kumar, J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	16.03.2026
Transmission Date	NA

