

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.13010 of 2023**

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Mariyam Hansda D/o Late Budhthinath Hansda, R/o Gadi Jhopa, P.S.-  
Saraiyahat, District- Dumka, Jharkhand.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, General Administration Department, Government of Bihar.
2. The Registrar General, Patna High Court.
3. The District Judge - cum - Chairman District Appointment Committee, Banka.
4. The Administration - in - Charge, Civil Court, Banka.

... .. Respondent/s

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**Appearance :**

|                                |   |                                |
|--------------------------------|---|--------------------------------|
| For the Petitioner/s           | : | Mr. Patanjali Rishi, Advocate  |
| For the State                  | : | Mr. Manish Kumar, G.P.4        |
|                                |   | Mr. Manoj Kumar, A.C. to G.P.4 |
| For the Respondent nos.2 to 4: |   | Mr. Piyush Lall, Advocate      |

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**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY**

**C.A.V. JUDGMENT**

**Date : 28-04-2026**

Heard learned counsel for the petitioner, learned counsel for the State of Bihar and learned counsel for the respondent nos.2 to 4.

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

*“(i) For issuance of a writ in the nature of certiorari or a writ of certiorari or any other writ of the like nature thereby quashing the order no. 60/2023 dated 19/04/2023 rejecting the application seeking compassionate appointment in*



*the Civil Court at Banka on account of the death of the father of the petitioner who was the only earning member of the family.*

*(ii) For issuance of a writ in the nature of mandamus or a writ of mandamus or any other writ of the like nature thereby directing the concerned respondents to issue an order of appointment in favour of the petitioner for compassionate appointment on the post of peon on account of death of the father of the petitioner in the Civil Court at Banka.*

*(iii) For issuance of any other writ, order, or direction for which the petitioner may be adjudicated to be entitled for at the time of disposal of the present petition.”*

3. The case of the petitioner in brief is that her father who was a Peon in the Civil Court at Banka having died in harness on 23.7.2016, the petitioner having no source of income filed an application in the month of September, 2016 seeking her appointment on compassionate ground which came to be rejected by the order impugned dated 19.4.2023.

4. It is submitted by learned counsel for the petitioner that the appointment of class ‘C’ post in the Civil Court establishments are guided by the Bihar Civil Court Officers and Staff (Recruitment, Promotion, Transfer and Other Service Conditions) Rules, 2017. In the year 2022, the Bihar Civil Court Officers and Staff (Recruitment, Promotion, Transfer and Other



Service Conditions) Rules, 2022 were notified and published in the Gazette on 19.4.2022. Rule 6A of Rules of 2022 provides for appointment on compassionate ground to the extent of 5% of the vacancies arising in group 'C' post. Contrary to the rules, it is submitted that the application of the petitioner was rejected calculating 3% bar on the sanctioned strength of the cadre in the Judgeship. Learned counsel submits that the father of the petitioner having suffered serious health conditions resulting in huge medical expenses to the family, the petitioner be appointed on compassionate ground.

5. The application is opposed by learned counsel appearing for the respondent nos.2 to 4. Referring to the counter affidavit filed, it is submitted that the Patna High Court on its administrative side took a policy decision with respect to grant of compassionate appointment in Civil Courts of Bihar. As per the policy communicated to all the Judgeship of the State, appointment on compassionate ground was to be considered with the restriction that the total strength of compassionate appointees would not exceed 3% of the sanctioned strength of the cadre in which such appointment is being considered. It is thus submitted that the sanctioned strength of the cadre where the appointment of the petitioner was being considered on



compassionate ground being 71, 3% of the same would be 2.13. However, as the number of compassionate appointees already being 11, the application of the petitioner was rejected by the District Appointment Committee.

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

7. The father of the petitioner who was working in the Civil Court at Banka on the post of Peon having died in harness on 23.7.2016, the petitioner filed her application for appointment on compassionate ground in September, 2016. As per the policy in existence on the date of death of the employee and contained in the letter dated 4.1.2016 (Annexure R/3-A) of the Registrar (Admn.) I/C, Patna High Court, it was decided that appointment on compassionate ground be considered with restriction that the total strength of compassionate appointees would not exceed 3% of the sanctioned strength of the cadre in which such appointment is being considered. The sanctioned strength of the cadre being 71, 3% of the same would come to 2.13. However, in view of the fact that 11 persons appointed on compassionate ground were already working, there was no vacant post for appointment of the petitioner on compassionate ground on the class IV post. Thus, the District Appointment



Committee having considered the application of the petitioner, rejected the same by order dated 19.4.2023, impugned herein.

8. The Court finds no illegality in the order under challenge and no merit in the instant application.

9. The application is dismissed.

**(Partha Sarthy, J)**

Saurabh/-

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