

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16306 of 2022

Baiju Kumar Bharti S/O Shri Rajeshwar Ram, Mathiya Zirat, P.S. Town,
Motihari, District- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Housing and Urban Development, Government of Bihar.
2. The Principal Secretary, Department of Housing and Urban Development, Government of Bihar, Patna.
3. The District Magistrate, East Champaran at Motihari.
4. Municipal Corporation, Motihari through its Municipal Commissioner.
5. The Chairman, Municipal Corporation, Motihari.
6. The Municipal Commissioner, Municipal Corporation, Motihari.
7. The Principal Secretary, Finance Department, Govt. of Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Sanjay Parasmani, Advocate
For the Respondent/s	:	Mr. Kinkar Kumar, SC- 9
		Mr. AC to SC- 9

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL JUDGMENT

Date : 02-04-2026

Heard learned counsel for the petitioner and learned
counsel for the respondents.

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

*“1. That this is an
application for issuance of a Writ in*



the nature of certiorari to quash the memo no.-1917 dated 19.09.2022 issued under the signature of Municipal Commissioner, Municipal Corporation, Motihari whereby and whereunder the claim of the petitioner for compassionate appointment has been rejected and further for issuance of consequential writ in the nature of Mandamus directing and commanding the respondent authorities to appoint the petitioner on compassionate basis on any suitable post and/or for issuance of any other Writ/Writs, Direction/Directions, Order/Orders which seem just and equitable in the facts and circumstances stated hereunder.”

3. The application of the petitioner having been allowed by order dated 13.3.2026, the petitioner further prayed for the following relief:

“For quashing the order contained in Memo no. 261 dated 10.3.2025 issued under the signature of the District Magistrate-cum-Chairman of the District Compassionate Committee, East Champaran at Motihari so far as the



petitioner is concerned.”

4. The case of the petitioner in brief is that the mother of the petitioner who was working as a *Safai Karamchari* in Nagar Parishar, Motihari having died in harness on 4.5.2021, the petitioner filed a representation on 30.5.2022 for his appointment on compassionate ground.

5. The case of the petitioner not having been considered on merits, the petitioner moved this Court by filing C.W.J.C. no. 9299 of 2022 which was disposed of by order dated 25.7.2022 with a direction to the Chief Executive Officer, Nagar Parishad, Motihari to take a decision on the petitioner's pending claim by a reasoned and speaking order in accordance with law. It is thereafter that by order dated 19.9.2022 passed by the Municipal Commissioner, Municipal Corporation, Motihari that the application of the petitioner was rejected.

6. The claim of the petitioner was considered by the District Compassionate Committee in its meeting held on 10.3.2025 and the application of the petitioner came to be rejected. It is against the order dated 19.9.2022 of the Municipal Commissioner, Municipal Corporation, Motihari and the order dated 10.3.2025 of the District Compassionate Committee, East Champaran at Motihari that the instant application has been



filed.

7. Learned counsel for the petitioner submits that on perusal of the minutes of the District Compassionate Committee, it would transpire that the reason for rejection of the petitioner's application is that the posts of category '*gha*' having been abolished in the Municipal Corporation, the petitioner who is a matriculate not having the required eligibility for being considered for appointment on compassionate ground on a post in category '*ga*', his application was rejected. Learned counsel submits that the petitioner belongs to scheduled caste. Referring to the letter dated 2.8.2022 (Annexure-11) it is submitted that as per the contents of letter no.10073 dated 18.12.2008 of the Personnel and Administrative Reforms Department (at present General Administration Department), the relaxation granted is applicable even now. Learned counsel submits that copy of the letter no.10073 dated 18.12.2008 has been brought on record as Annexure-14 to the supplementary affidavit filed on behalf of the petitioner. As such, the order impugned rejecting the petitioner's application be set aside, the case of the petitioner be considered granting relaxation in the eligibility requirement as contemplated in letter no.10073 dated 18.12.2008 and the respondents be directed to appoint the petitioner on



compassionate ground on a post in category 'ga'.

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

9. The relevant facts in brief are that the mother of the petitioner who was working in the capacity of a *Safai Karamchari* in the Nagar Parishad, Motihari having died in harness on 4.5.2021, the petitioner who belongs to the scheduled caste category applied for appointment on compassionate ground.

10. The application of the petitioner came to be rejected by order dated 19.9.2022 of the Municipal Commissioner, Municipal Corporation, Motihari. A perusal of the said order would show that pursuant to letter no.2503 dated 3.5.2018 of the Principal Secretary of the Urban Development and Housing Department, with the abolition of group 'gha' post, it was observed that it was not proper to consider the applications for appointment on compassionate ground.

11. It further transpires that subsequently the application of the petitioner along with that of others was considered by the District Compassionate Committee and rejected by order contained in Memo no.261 dated 10.3.2025. The ground of rejection was that with the abolition of group



‘*gha*’ posts, the applications for appointment on compassionate ground were considered against group ‘*ga*’ posts and in the said consideration, the petitioner being only a matriculate did not have the required eligibility and could not be appointed.

12. So far as the submission of learned counsel for the petitioner that the application of the petitioner could be considered reducing the eligibility as provided in letter no.10073 dated 18.12.2008 (Annexure-14) of the Personnel and Administrative Reforms Department, Government of Bihar is concerned, it may be observed here that the same deals with group ‘*gha*’ posts and not group ‘*ga*’ posts.

13. In the opinion of the Court, no benefit of the said letter dated 18.12.2008 can be given to the petitioner with respect to the relaxation in the eligibility while considering the petitioner’s application for compassionate appointment on group ‘*ga*’ post. Whether to extend the benefit of relaxation in the eligibility provided in appointment of group ‘*gha*’ post as contemplated in letter dated 18.12.2008 to group ‘*ga*’ post is concerned, the same being a policy decision of the Government would lie beyond the scope for consideration by this Court.

14. In view of the facts and circumstances stated herein above, no relief can be granted to the petitioner.



15. The application is dismissed.

(Partha Sarthy, J)

sauroavkrsinha/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	2.4.2026
Transmission Date	NA

