

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4135 of 2017

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Mukesh Kumar, Son of Radha Raman Singh, Resident of Mohalla- Shivnagar,
Post- Mortem Road, P.S.- Nawadah, District- Nawadah.

... .. Petitioner/s

Versus

1. The State Of Bihar, through the Principal Secretary, General Administration Department, Government of Bihar, Old Secretariat, Patna.
2. The Civil Court, Nawadah through its Registrar.
3. The Appointment Committee of the Judgeship of Nawadah through its Chairperson.
4. The District and Sessions Judge, Nawadah.
5. The In-Charge Judge, Nawadah.
6. Rajesh Kumar, Son of Late Radha Raman Singh, presently posted as Inspector, General Duty, F Company, 10th Battalion, Indo Tibetan Border Police, P.O.- Kimin, District- Papumpare, Arunachal Pradesh.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Md. Nazir Ansari, Advocate
For the State	:	Mr. Md. Nadeem Siraj, GP-5
		Ms. Shalini, AC to GP-5

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL JUDGMENT

Date : 05-02-2026

Heard learned counsel for the parties.

2. The instant application has been filed by the petitioner praying for quashing the order dated 12.7.2016 passed by the Appointment Committee of the Judgeship of Nawada, whereby the application of the petitioner for appointment on compassionate ground in place of his



deceased father was rejected.

3. It is the case of the petitioner that his father who was working as Peon in the Nawada Judgeship died in harness on 28.11.2014.

4. The petitioner being unemployed and duly qualified having passed the B.Sc. Part-II examination applied for compassionate appointment in the prescribed format by filing an application in the Judgeship of Nawada on 15.12.2014. Along with his application for appointment on the post of Peon, the petitioner filed an affidavit duly sworn by his younger brother, the respondent no.6 herein which was to the effect that he had no objection in case the petitioner was appointed on compassionate ground in place of their father.

5. The application of the petitioner came to be considered by the Appointment Committee which rejected the same by its order dated 12.7.2016, impugned herein.

6. It is submitted by learned counsel for the petitioner that the respondent Appointment Committee erred in rejecting the application for compassionate appointment of the petitioner on the ground of the younger brother of the petitioner being employed on the post of Inspector in the Indo-Tibetan Border Police (I.T.B.P). Learned counsel refers



to the reply affidavit filed on behalf of the respondent no.6 in Succession Case no.1 of 2022 filed by the petitioner in the learned Court below to submit that the respondent no.6 has categorically stated therein that he and the petitioner separated in the lifetime of their father itself and have been living and carrying on with their life having no connection with each other. It is thus submitted that the order impugned be set aside and the respondent be directed to appoint the petitioner on compassionate ground.

7. The application is opposed by learned counsel appearing for the respondent nos. 2 to 5. It is submitted that from bare perusal of the affidavit filed by the petitioner along with his application for compassionate ground and a copy of which has been brought on record as Annexure-2 to the writ application, it would transpire that the family of the petitioner and the respondent no.6 is joint and have been living together. It is thus submitted that the application of the petitioner having been rejected on the ground of his younger brother being employed as an Inspector in the I.T.B.P under the Union Government, the reason given therein is sound, there is no illegality in the order impugned and thus the application be dismissed.



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

9. The relevant facts in brief are that the father of the petitioner who was working as a Peon in the Nawada Judgeship having died in harness on 28.11.2014, the petitioner applied for appointment on the post of Peon (Class-IV) on compassionate ground on 15.12.2014. The same came to be rejected by order dated 12.7.2016 of the Appointment Committee of the Judgeship of Nawada, which has been challenged by the petitioner in the instant writ application.

10. The reason given by the Appointment Committee for rejecting the petitioner's application is that the younger brother of the petitioner is already in the service of the Union Government on the post of Inspector in the I.T.B.P. As such on the death of their father, there is already a bread earner in the family.

11. It may further be observed here that the petitioner filed an affidavit sworn by his brother while filing his application for compassionate appointment. A perusal of the affidavit (Annexure P/2) would show that it has been categorically stated therein that their mother died on 7.3.2013 and their sister has been married. It further states that both the



brothers i.e., the respondent no.6 and the petitioner are married and are living as a joint family.

12. In response, learned counsel for the petitioner refers to the affidavit filed by respondent no.6 in Succession Case no.1 of 2022 in the Court of learned Sub Judge-I, Nawada, to contend that the respondent no.6 and his brother i.e., the petitioner are separate in mess and residence.

13. It may be observed here that the affidavit (Annexure-P/2) of the respondent no.6 stating that the brothers were joint was filed along with the application of the petitioner for compassionate appointment in the year 2016 and thereafter considering the facts and circumstances, the application for compassionate appointment came to be rejected by the order impugned dated 12.7.2016. So far as the affidavit filed by the respondent no.6 in Succession Case no.1 of 2022 is concerned, the same is dated 19.10.2023, has been sworn more than 7 years after the order impugned was passed and is nothing but an after thought.

14. At this stage, it would be relevant to observe that in the case of *Umesh Kumar Nagpal vs. State of Haryana, (1994) 4 SCC 138*, the Hon'ble Supreme Court observed that the whole object of granting compassionate



appointment is to enable the family to tide over the sudden crisis and is not to provide employment. Reference may also be made to the judgment of the Hon’ble Supreme Court in the case of *Indian Bank & Ors. vs. Promila & Anr., (2020) 2 SCC 729*.

15. In view of the facts and circumstances of the case, the Court finds no illegality nor any error in the order impugned, no merit in the instant writ application and the same is dismissed.

(Partha Sarthy, J)

Shiv/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	05.02.2026
Transmission Date	

