

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20987 of 2019

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Bela Devi Wife of late Nathu Lal Mehta, Resident of Village- Tin Kothia
Chandwara, P.S. Town, District- Muzaffarpur, Pin-

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Bihar, Patna.
2. Director, Higher Education, Government of Bihar, Patna.
3. Vice Chancellor, B.R.A. Bihar University, Muzaffarpur.
4. Registrar, B.R.A. Bihar University, Muzaffarpur.
5. Principal, M.S.K. B., College, Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Abhinav Srivastava Dr. Raushan, Advocate Ms. Shreyashi Raj, Advocate Md. Tauseef Waquar, Advocate Mr. Akshat Kumar, Advocate
For the Respondent/s	:	Mr.Smt.Shilpa Singh (GA12)
For B.R.A.B.U.	:	Mr. Vivekanand Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

3 20-07-2026 Heard learned counsel for the petitioner and learned
counsels for the respondents.

2. The writ petition has been filed for the following
relief(s):-

*(i.) Issuance of a direction,
order or writ, including writ in the
nature of mandamus commanding the
concerned respondent authorities
under B.R. Ambedkar Bihar
University, Muzaffarpur (hereinafter
referred to as "the University") to take
steps towards considering the case of
son of the petitioner namely Ashish
Mehta for appointment on
compassionate ground against a*



Class-III post in the services of the University that has remained pending before the University despite recommendation having been made in the said respect by the Compassionate Committee of the University during its meeting held on 29/07/2017 on account of the sad demise of late husband of the petitioner while he was continuing in the capacity of Music instructor at Mahila Shilp Kala Bhawan College, Muzaffarpur (hereinafter referred to as "the College"), which is constituent unit of the University;

(ii) Issuance of a direction, order or writ, including writ in the nature of mandamus commanding the concerned respondent authorities to take steps towards making payment of arrears of salary payable to the late husband of the petitioner for the period between 20/11/1982 to 09/07/2012 and payment of gratuity, leave encashment, along with family pension after fixation of the same in favour of the petitioner;

(iii) Issuance of a direction, order or writ, including writ in the nature of mandamus commanding the concerned respondent authorities under the University to make payment of penal interest @ 18% per annum over and above the amount as may be found due and payable in favour of the petitioner on account of the undue delay that has happened in making payment of the same without their being any just and valid reason in



support thereof;

(iv) Any other relief that the petitioner may be found to be entitled to in the facts and circumstances of the present case.

3. Learned Sr. counsel for the petitioner seeks permission to make necessary correction in the cause title of this case during the course of the day.

4. Permission is granted.

5. Learned Sr. counsel for the petitioner, by referring to the order passed by a coordinate Bench which is appended with the writ petition as Annexure-14, submits that the case of this petitioner is squarely covered by the judgment rendered in a similar subject matter, wherein the deceased employee was working on contractual basis and the claim of compassionate appointment being against the rule, the Vice-Chancellor, B.R.A.B.U., Muzaffarpur is said to have been rejected the claim. The said issues come up for consideration and in the light of the decision of Full Bench, as rendered in the case of ***Braj Kishore Singh & Ors. v. State of Bihar & Ors.*** as reported in ***1997 (1) PLJR 509***, the coordinate Bench is said to have directed the authorities to consider the claim for appointment on compassionate ground as the very object of compassionate appointment would get frustrated, if this appointment to



mitigate the financial hardship is not extended in favour of aggrieved family.

6. The judgment, which is being relied upon by the learned Sr. counsel for the petitioner, has not been disputed by the counsel for the State and also by the learned counsel representing the University.

7. In view of the stands taken by the parties, this Court directs the respondent, Vice-Chancellor, B.R.A.B.U., Muzaffarpur to adjudicate the claim of this petitioner for compassionate appointment of the petitioner's son within a period of eight weeks from the date of representation, if final decision has not been taken and if the case of the petitioner is found to fall within the same parameter, then by taking appropriate decision, as the matter is pending since 2019, the representation filed by the petitioner shall be adjudicated in accordance with law.

8. Accordingly, the instant writ petition stands disposed.

(Ajit Kumar, J)

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