

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 17728 of 2023

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Ashok Kumar Ram S/o Raj Kumar Prasad, R/o- Village/ Mohalla- Domhari
Tola, Block Road, Post- Rajgir, P.S.- Rajgir, Dist.- Nalanda, PIN- 803116.

... .. Petitioner/s

Versus

1. The Principal Secretary, Nagar Vikash and Aawas Bibhag Government of Bihar, Patna.
2. The Special Secretary, Nagar Vikash And Aawas Bibhag, Government of Bihar, Patna.
3. The Deputy Secretary, Nagar Vikash And Aawas Bibhag, Government of Bihar, Patna.
4. Municipal Commissioner of Nalanda, State of Bihar
5. The Municipal Commissioner of Patna Municipal Corporation, Patna.
6. The Collector of Nalanda.
7. The Additional Collector (Establishment), Nalanda.
8. The Executive Officer of Nagar Panchyat Rajgir, Nalanda.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr Ranjit Jha, Advocate
For the S t a t e	:	Mr Abbas Haider, SC VI
For Respondent No 8	:	Mr Rajiv Ranjan Kr Pandey, Advocate

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CORAM: HONOURABLE MR JUSTICE RITESH KUMAR

ORAL JUDGMENT

Date : 06-02-2026

Heard learned counsel for the parties.

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

*“i For issuance of an appropriate writ,
order or direction in the nature of ‘Mandamus’
directing and commanding the concern
respondent to appoint the petitioner on suitable
post under Compassionate Appointment Scheme
as per guideline issued by the Government of
Bihar vide Annexure 14 of this writ petition on*



account of death of his mother Soniya Domin when she was in service on the post of regular Sweeper in Nagar Panchayat Rajgir (Nalanda) under municipal corporation.

ii For further issuance of appropriate writ, order or direction in the nature of 'Mandamus' directing/commanding the concerned respondent to give the liberty of appointment of the petitioner on suitable post according to his qualification.

iii For issuance of any other relief or reliefs to which the petitioner is found entitled to."

3 The brief facts of the case are that the mother of the petitioner late Soniya Domin was appointed on the post of regular Sweeper in Nagar Panchayat, Rajgir (Nalanda) on 23.10.1987, where she continued to work till she died in harness on 01.07.2014. Thereafter, the petitioner submitted the list of family members before the competent authority and it is the contention of the petitioner that no decision has been taken on the same till date. It further appears from paragraph 18 of the writ petition that prior to the present writ petition, the petitioner had earlier filed two writ petitions bearing CWJC No 10788 of 2020 and 20626 of 2021 for the same reliefs. Both the writ petitions were heard by a coordinate Bench of this Court and vide order dated 11.09.2023, on the prayer made by Shri Ranjit Jha (who is the counsel in the present case also), the writ petitions were permitted to be



withdrawn. The coordinate Bench, in paragraphs No 7 to 9, considered the case on merit and in paragraph No 12, has held as follows:

“12 In view of the fact that the petitioner has chosen to withdraw both the writ petitions, this Court refrains from imposing cost upon him but caution Mr Ranjit Jha to be vigilant in future and faced with these situations, advise the clients properly.”

4 A counter affidavit has been filed on behalf of respondents No 1 to 3 wherein it has been stated that guidelines have been issued to all the Municipal bodies for making appointment on compassionate ground and with regard to the case of the petitioner, a letter has been issued by the Urban Development and Housing Department, Government of Bihar, Patna whereby the Executive Officer, Nagar Parishad, Rajgir was directed to look into the matter and to file a counter affidavit in this case. A counter affidavit has been filed on behalf of respondent No 8 wherein it has been stated that the death of the petitioner's mother occurred on 01.07.2014. At that time, her husband Raj Kumar Prasad was in Government service and he retired on 15.10.2015, therefore, in such circumstances, the petitioner was not eligible to get appointment on compassionate ground under the Government Scheme in view of the departmental guidelines issued in Clause 1 (v) of letter No 13293 dated



05.10.1991 wherein it has been provided that no benefit will be provided to the dependent of a spouse, if both are in Government service and out of them, one dies and another remains in Government service. Further, it has been contended on behalf of respondent No 8 that earlier, the petitioner had filed two writ petitions, bearing CWJC No 10788 of 2020 and CWJC No 20226 of 2021 for the same and identical relief, but the same were withdrawn by the learned counsel for the petitioner.

5 Having heard the learned counsel for the parties and perusing the materials available on record, I find that the mother of the petitioner died on 01.07.2014 and at the relevant time, the father of the petitioner was in Government service, therefore as per the policy of the Government, he was not eligible for appointment on compassionate ground. Further, the very object of giving compassionate appointment to a dependent of the deceased employee, who dies in harness, is to relieve unexpected immediate hardship and distress caused to the family by the sudden demise of the earning member of the family. In the present case, since the death occurred in 2014 and it is almost 12 years, therefore, when the petitioner has survived for such long years, there is no reason to believe that he will not survive the hardship which has been caused due to the death of his mother in future. In other words, if



the contention is accepted, it is another mode of recruitment of dependent of a deceased Government servant which cannot be encouraged, de hors the recruitment Rules.

6 Accordingly, the present writ petition is dismissed with a cost of Rs 5,000/- since the petitioner has filed the present writ petition for the same relief for which he had earlier filed CWJC No 10788 of 2020 and 20626 of 2021 and both the writ petitions were withdrawn, however, on the merit also, the same were considered and the coordinate Bench had cautioned the petitioner that since he has chosen to withdraw the writ petition, this Court refrains from imposing cost upon him, but even then he filed the present writ petition for the same relief.

(Ritesh Kumar, J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	09.02.2026
Transmission Date	NA

