

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17715 of 2023

=====

Sittu Kumar Son of Late Binod Sharma, Resident of Village - Nayagaon, P.S.-
Parbatta, District - Khagaria at present residing at Ward No. 41, Swami
Vivekanand Nagar, Hemra, P.S. - Muffasil, District - Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Director General of Police, Bihar, Patna.
3. D.G. of Police, Bihar Special Armed Police, Bihar, Patna.
4. D.I.G. of Police, B.S.A.P., Northern Zone, Muzaffarpur.
5. Commandant, BSAP- 8, Begusarai.
6. District Magistrate, Begusarai.
7. District Establishment Deputy Collector, Begusarai.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr. Ram Hriday Prasad, Advocate
For the Respondent/s	:	Mr. Mujtabaul Haque, GP- 12
		Mr. Manish Kumar, AC to GP- 12

=====

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL JUDGMENT

Date : 22-04-2026

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
appropriate writ, order or direction to
set aside the order of District
Compassionate Committee dated*



28.7.2023 (Annexure-9) presided over by the D.M., Begusarai and order of Commandant, BSAP-8, Begusarai dated 31.8.23 (Annexure-11) by which the prayer for compassionate appointment has been rejected. It is further prayed to direct the respondents to consider the case of petitioner for compassionate appointment and for grant of all consequential benefits.”

3. The case of the petitioner in brief is that the father of the petitioner namely Binod Sharma who was posted as a Hawaldar in BSAP-8 died in harness on 10.3.2016 leaving behind his widow and three children including the petitioner herein. The cause of death was said to be cancer.

4. It is the case of the petitioner that there was partition in the lifetime of his father on 1.5.2014 from when the elder brother of the petitioner namely Sachin Kumar started living separately from his father. On the death of his father, while the petitioner's elder brother lived separately with his family, the petitioner was left with his mother with no source of income.

5. The petitioner filed an application for his appointment on compassionate ground which was rejected by



the District Compassionate Committee by order dated 24.3.2017.

6. The petitioner challenge the same in C.W.J.C. no. 8149 of 2018 which was disposed of by order dated 26.8.2022 requiring the respondent no.2 i.e. the Director General of Police, Bihar to examine the fact and pass a reasoned and speaking order in light of the Full Bench judgment of this Court in the case of ***Niraj Kumar Mallick vs. The State of Bihar and Ors.; 2018 (2) PLJR 951.***

7. It transpires that the matter with respect to appointment of the petitioner on compassionate ground was once again placed before the District Compassionate Committee, Begusarai headed by its Chairman i.e. the District Magistrate, Begusarai and of which there were seven other members including the District Establishment Deputy Collector, the District Education Officer, the District Development Commissioner and the Additional Collector, all of Begusarai.

8. The District Compassionate Committee considered the case of the petitioner and rejected the same by its order dated 28.7.2023, impugned in the instant application.

9. It is submitted by learned counsel for the petitioner that the respondents did not take into consideration



the direction of the Full Bench judgment in the case of Niraj Kumar Mallick (supra) nor did it consider as to what amount was being received by the elder brother of the petitioner and whether the amount was sufficient for the maintenance of all the dependents.

10. On perusal of the order of the District Compassionate Committee, it would transpire that reason for rejection of the petitioner's application was that in an enquiry made with respect to the salary/income of the petitioner's brother, as per the certificate/petition filed by the petitioner, his elder brother is posted and working as a constable as a Jail Police Warden and is drawing salary as on 28.4.2023 in the scale of 5200-20200 with grade pay 2000. It further transpires that the case of the petitioner's appointment on compassionate ground was once again placed before the Committee in its meeting held on 28.7.2023 and taking into consideration the members of the family, it was concluded that the salary being drawn by the petitioner's brother was sufficient for the sustenance of the dependents of the deceased.

11. It may be observed here that the dependent certificate issued by the Circle Officer has been brought on record as Annexure-3 to the writ application from which it



transpires that besides the family of the elder brother of the petitioner, so far as the dependents of the deceased employee is concerned, the same includes the petitioner and his widow mother.

12. In view of the facts and circumstances of the case, the Court finds no illegality in the order of the Collector, Begusarai rejecting the application of the petitioner for his appointment on compassionate ground.

13. The Court finds no merit in the instant application and the same is dismissed.

14. Let the original records be returned to learned counsel for the State of Bihar.

(Partha Sarthy, J)

saurovkrishna/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	22.4.2026
Transmission Date	NA

