

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.44 of 2025

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Usha Devi @ Usha Kumara Devi wife of Surendra prasad resident of village-
Jadopur bazar, P.O.- Jadopur Sukul, P.S.- Jadopur, District- Gopalganj

... .. Petitioner/s

Versus

1. The State of Bihar through Additional Chief Secretary, Health Department,
Govt. of Bihar at Patna
2. The Director-in-Chief, Health Services, Govt. of Bihar at Patna.
3. The Regional Sub-Director, Health Services, Saran Division at Chhapra
4. The District Magistrate, Gopalganj, Bihar
5. The Civil Surgeon-cum-Chief Medical Officer, Gopalganj, Bihar
6. The Additional Chief Medical Officer, Gopalganj, Bihar
7. The Block Development Officer, Phulwariya, Gopalganj
8. The Medical Superintendent, Referral Hospital, Phulwariya, Gopalganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Rajeev Ranjan, Advocate
For the Respondent/s	:	Mr. Advocate General
		Mr. Sanjiv Kumar, AC to AG

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 10-03-2026 Heard learned counsel for the petitioner and learned
counsel for the State.

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

*“(i) For issuance of writ by
directing the respondent authority regarding
the compassionate appointment of the
present petitioner on behalf of Mahila Kaksh
Sevika/Fourth grade employee in Referral
Hospital, Phulwariya, Gopalganj namely*



Urmila Devi who died during the course of employment where the present petitioner is the daughter of the deceased.

(ii) For directing the respondent department/authority to release the payment is due, arrear or any benefits to the petitioner which is pending regarding the employee namely Urmila Devi who died during the course of employment.

(iii) For pass such other order/orders, writ/writs, direction/directions on behalf of present petitioner for the interest of justice.”

3. Learned counsel for the petitioner submits that the mother of the petitioner was appointed as Sanchalika on 30.03.1989 by Gyapank No. 34 issued by the Block Development Officer, Gopalganj. Counsel further submits that thereafter the mother of the petitioner was appointed as Mahila Kaksh Sevika in Referral Hospital, Phulwariya, Gopalganj. She worked up to 2001 in Marachiya Devi Referral Hospital, Phulwariya, and subsequently, on 14.04.2001, she was directed to be terminated. Counsel further submits that upon termination she filed a CWJC, namely CWJC No. 11100 of 2001, in which, vide order dated 15.10.2001, she was allowed to continue to work on a Class-IV post in Referral Hospital, Phulwariya with all her benefits. Counsel further submits that the mother of the



petitioner subsequently moved before this Court in CWJC No. 3403 of 2005, in result the mother of the petitioner was reinstated in service, however, her arrears of payment could not be made. Subsequently, the mother of the petitioner died on 08.08.2019. Thereafter, the petitioner filed a representation before the District Magistrate, Gopalganj on 20.09.2022 for appointment on compassionate grounds. Correspondence has also been made from the office of the District Magistrate, Gopalganj to the petitioner. Further representations have also been filed, but no action has been taken. Therefore, the petitioner has filed the present writ petition.

4. Learned counsel for the State, on the other hand, submits that the specific stand of the State is that the petitioner's mother filed a writ petition bearing CWJC No. 3921 of 1994 for regularization of her service, but this Hon'ble Court refused to issue a mandamus to regularize the services of the petitioner's mother or to make payment on the principle of equal pay for equal work. It has further been submitted that the Director-in-Chief, Health Services, Government of Bihar, Patna informed the Civil Surgeon, Gopalganj that in pursuance of the order dated 09.01.1995 passed in CWJC No. 4941 of 1995, 13 workers were appointed by the Civil Surgeon, Gopalganj on



Class-III and Class-IV posts, considering that the cases of the said 13 voluntary workers were similar to the case of Shankar Prasad Gupta decided in CWJC No. 4941 of 1995. However, the said workers were subsequently terminated as the appointments were found to be illegal. Show cause notices were issued in the year 2004 against the mother of the petitioner. A reply was filed, but the termination order was confirmed vide Memo No. 1774 dated 01.07.2004.

5. Counsel for the State has taken a specific stand that after the said order, the mother of the petitioner was never appointed and she subsequently died on 08.08.2019. After three years of her death, the present petitioner filed an application before the District Magistrate, Gopalganj for compassionate appointment. Counsel for the State has further taken the specific stand that at the time of the death of the petitioner's mother, she was not in service, as her service had already been terminated vide order dated 01.07.2004, vide Memo No. 1774. Due to this reason, the case of the petitioner has not been found fit for compassionate appointment.

6. After hearing the parties, it transpires to this Court that in light of the specific stand of the State that at the time of death, i.e., in the year 2019, the petitioner's mother was not in



Government service and, as such, the relief of compassionate appointment cannot be granted to the petitioner.

7. Accordingly, in view of the above directions and observations, the present writ petition stands dismissed.

(Dr. Anshuman, J.)

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