

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1186 of 2025

In
Civil Writ Jurisdiction Case No.16298 of 2023

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Ajay Kumar Mallik Son of Gouri Mallik and Babli Mehtarani @ Babli Devi,
resident of village- Sahwan Tola, Brajesh Nagar, Ward No. 7, P.S. - K.Hat,
District- Purnea.

... .. Appellant/s

Versus

1. The State of Bihar through the Principal Secretary, Urban Development and Housing Department, Government of Bihar, Patna.
2. The Municipal Commissioner, Nagar Nigam, Purnea.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Rajiv Ranjan Kr. Pandey, Advocate Mr. Ashutosh Kumar Jha, Advocate
For the State	:	Mr. Kinkar Kumar, SC-9 Mr. Yogesh Kumar, AC to SC-9
For the Purnea Nagar Nigam	:	Mr. Prince Kumar Mishra, Advocate Ms. Priyanka Kumari, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 01-04-2026

This Letters Patent Appeal has been filed challenging
the order passed by the learned Single Judge on 04.12.2025 in
C.W.J.C. No. 16298 of 2023.

2. The prayer of the appellant in the writ petition is to
appoint him on compassionate ground on a suitable post under
the Purnea Nagar Nigam in which the mother of the appellant
was working as *Safai Sevika* on regular basis, who died in



harness on 25.07.2017.

3. After issuance of notice, counter affidavit was filed on behalf of Respondent No.2, the City Manager, Municipal Corporation, Purnea. The appellant thereupon filed a rejoinder to the said counter affidavit and then a supplementary affidavit was also filed by the appellant and then a counter affidavit was filed on behalf of Respondent No.1 i.e. the Project Officer-cum-Deputy Director, Urban Development and Housing Department, Government of Bihar, Patna.

4. When the matter was taken up on 04.12.2025, the learned counsel for the appellant was not present. However, the learned Single Judge after hearing the learned counsel for the Purnea Nagar Nigam and considering the circular of the State Government contained in Letter No. 13573 dated 15.11.2021 of the Principal Secretary, General Administration Department, Government of Bihar came to hold that the appellant is not entitled for employment on compassionate ground and accordingly, dismissed the writ petition.

5. The learned counsel for the appellant submitted that no doubt, the counsel for the appellant was not present but when the learned Single Judge, in the absence of the appellant or his counsel has taken up the matter on merit, he should have



considered the rejoinder affidavit filed by the appellant to the counter affidavit and also the supplementary affidavit filed on behalf of the appellant, which are in relation to that particular letter, which has been taken into account by the learned Single Judge in refusing to grant relief and having not considered the same; the case of the appellant needs to be remanded for fresh consideration in accordance with law.

6. The learned counsel for the respondents, however, supported the impugned judgment.

7. After hearing the learned counsel for the respective parties and going through the pleadings, in the fitness of things, we are of the view that the appellant needs to be given an opportunity of hearing on merits of the case before passing the final order.

8. Accordingly, the impugned order is set aside and the matter is remitted back to be decided by the learned Single Judge having roster. Since the matter is of the year 2023 and the pleadings are complete, it is expected that the expeditious steps would be taken for disposal of the writ petition without granting unnecessary adjournment to any of the parties.

Parties shall be at liberty to raise all the points before the learned Single Judge.



9. Accordingly, the Letters Patent Appeal is disposed of.

10. Interlocutory Application(s), if any, shall also stand disposed of.

(Sangam Kumar Sahoo, CJ)

(Harish Kumar, J)

shailendra/-

AFR/NAFR	
CAV DATE	
Uploading Date	03.04.2026
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