

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6637 of 2025

Rinku Tiwari @ Rinku Kumari Wife of Late Amarnath Tiwari, Resident of Village- Dadupur, P.S.- Bikram, District- Patna.

... ... Petitioner

Versus

1. The State of Bihar through the Secretary Health Department Govt. of Bihar, Patna.
2. The Director in Chief, Health Services Department of Health Services Bihar, Patna P.S., Dist.- Patna.
3. The District Magistrate Cum Chairman, District Compassionate Committee Patna, P.S. and District- Patna.
4. The Civil Surgeon Cum Chief Medical Officer, Patna P.S. and District - Patna.
5. The Medical Officer-in-Charge Primary Health Center Bihta, P.S. Bihta, District Patna.

... ... Respondents

Appearance :

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| For the Petitioner | : | Mr. Dr. Anjani Pd. Singh, Advocate |
| | | Mr. Sunny Kumar, Advocate |
| | | Mr. Saurav Kumar Pandey, Advocate |
| For the Respondents | : | Mr. Kameshwar Kumar, G.P.-17 |

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL JUDGMENT
Date : 01-09-2025

Heard learned counsel for the petitioner and learned counsel for the State.

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

"i. For issuance of an appropriate writ(s), order(s), direction(s) to the respondents to appoint the petitioner on compassionate ground as the husband of the petitioner has died on 05.09.2023 in harness as class-III employee.



ii. For issuance of a writ in the nature of certiorari to quash the proceeding dated 22.02.2025 by the District Magistrate-cum-Chairman, District Compassionate Committee, Patna with regard to petitioner which contains in the list of rejected application item no.2.

iii. For issuance of an appropriate writ(s), order(s), direction(s) to direct the respondents to pay all the consequential monetary benefits to the petitioner after the death of her husband on 05.09.2023, who will have retired on 31.01.2049.”

3. It is the case of the petitioner that she is the legally wedded wife of late Amarnath Tiwari, who was working as Clerk in Primary Health Centre, Bihar and has died in harness on 05.09.2023. It is also the case of the petitioner that since the husband of the petitioner used to drink liquor and the petitioner used to object to the same, which led to some differences between the petitioner and her husband, consequently, the petitioner lodged Complaint Case No.238 of 2018 registered under sections 498-A and 380 of the Indian Penal Code and under section 3/4 of the Dowry Prohibition Act but later on, on the assurance of her husband the petitioner started living with her husband.

4. It is further the case of the petitioner that



though the petitioner and her husband were living together as husband and wife but on the instigation of the mother-in-law of the petitioner, her husband had lodged Matrimonial Case No.1027 of 2018, which was ultimately, dismissed for default on 11.11.2022. It is also the case of the petitioner that thereafter her husband again started drinking liquor and used to torture her, which again compelled the petitioner to lodge Complaint Case No.1448 of 2019 registered under section 498-A, 354-B, 380 and 367 of the Indian Penal Code and under section 3/4 of the Dowry Prohibition Act.

5. It is the case of the petitioner that even the mother-in-law of the petitioner had ousted her from the matrimonial house but the petitioner and her husband were living together in a separate rented flat at Bahadurpur Colony, Patna and to illustrate this fact the petitioner has brought on record an undertaking dated 02.03.2020 regarding a dispute between them and their neighbour, which evidently establishes that the petitioner and her deceased husband were living together as husband and wife and even the last rituals of her husband was performed by the petitioner herself.

6. It is further the case of the petitioner that after the death of her husband, she applied for compassionate



appointment but the same was rejected by the District Compassionate Committee vide proceeding dated 22.02.2025 without considering the fact that after the death of the husband, only the wife is entitled to all monetary benefits and compassionate appointment.

7. It has been argued by learned counsel for the petitioner that the father-in-law of the petitioner was in Government service and after his death, her mother-in-law is getting the family pension and moreover, the petitioner is undertaking that she will look after her mother-in-law if she is appointed on compassionate ground.

8. Learned counsel for the State has relied on the unprobated Will of the deceased employee and has submitted that all the rights of compassionate appointment should go to the mother of the deceased i.e. the mother-in-law of the petitioner.

9. In reply to the above submission, learned counsel for the petitioner has submitted that the Will, which is being relied upon by the learned counsel for the State, is a forged Will and it cannot be relied upon unless and until the probate case is decided and the Court holds that the Will is a genuine one.



10. Considered the submissions of the parties and perused the materials on record.

11. The grounds on which the petitioner's prayer for compassionate appointment has been rejected is that her appointment was being opposed by her mother-in-law and there is a Will executed by the deceased husband in favour of one Mukesh Kumar Verma, which is pending for grant of probate in Probate Case No.166 of 2023 in the Court of learned A.D.J.-V, Danapur, Patna. The claim for appointment on compassionate ground cannot be rejected only on the objection of the mother-in-law and on the basis of the unprobated Will. Apart from the petitioner, there is no claimant for the job to be given on compassionate ground after the death of the deceased employee as it is an admitted fact that the petitioner is the legally wedded wife of the deceased employee. There may have been some differences between the husband and wife during the lifetime of the husband but such differences will not dis-entitle the petitioner from being granted compassionate appointment. Further, the pendency of the probate case will also not dis-entitle the petitioner from being appointed on compassionate ground.

12. In these circumstances, the decision taken



by the District Magistrate-cum-Chairman, District
Compassionate Committee vide proceeding dated 22.02.2025 is
hereby set aside and the respondents are directed to take a fresh
decision on the application of the petitioner for compassionate
appointment within two weeks from the date of
receipt/production of a copy of this order in the light of the
above discussions.

13. With the aforesaid observations and
directions, this writ petition is allowed to the above extent.

(Sandeep Kumar, J)

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| AFR/NAFR | N.A.F.R. |
| CAV DATE | N/A. |
| Uploading Date | 03.09.2025 |
| Transmission Date | 03.09.2025 |

