

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.11131 of 2023

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Rajesh Jain, Son of Late Mahavir Prasad Jain, Resident of Nehru Road, Thakurganj,
P.O. and P.S.- Thakurganj, District- Kishanganj.

..... Petitioner/s

Versus

1. The State of Bihar through the Collector, Kishanganj.
2. The Anchal Adhikari, Thakurganj Anchal, District- Kishanganj.
3. Pawan Kumar Jain Son of Late Mahavir Prasad Jain, Resident of Nehru Road,
Thakurganj, P.O. and P.S.- Thakurganj, District- Kishanganj.
4. Rohit Kumar Jain Son of Late Mahavir Prasad, Jain, Resident of Nehru Road,
Thakurganj, P.O. and P.S.- Thakurganj, District- Kishanganj.
5. Dilip Kumar Jain Son of Late Mahavir Prasad Jain, Resident of Nehru Road,
Thakurganj, P.O. and P.S.- Thakurganj, District- Kishanganj.

..... Respondent/s

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with

Civil Writ Jurisdiction Case No. 11066 of 2023

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Rajesh Jain, Son of Late Mahavir Prasad Jain, Resident of Nehru Road, Thakurganj,
P.O. and P.S.-Thakurganj, District-Kishanganj.

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..... Respondent/s

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- A. **Compassionate Appointment - Clause – 6 notification dated 27.04.1995 vide letter dated 30.08.2019 – time limit of five years for filing application for compassionate employment has been extended – now the application can be filed by the dependent of the deceased within a period of 1 year of attaining majority – in cases where the dependent of the deceased government servant is a minor at the time of expiry of the time limit of 5 years, for filing application for compassionate employment from the date of death of the government employee. (Para-7).**
- B. **Compassionate Appointment – petitioner applied for appointment while he was minor on 20.04.2019 – attained majority on 05.05.2020 - District Compassionate Employment Committee, Sitamarhi rejected his claim on 02.03.2021.**
- C. **Decision of District Compassionate Employment Committee – arbitrary and contrary to law as also scheme – matter remanded back for to consider the claim of the petitioner afresh without being impeded by the fact that his case is either barred by limitation or he was minor on the date of filing of application – Petition allowed. (Para-8 to 10).**

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... .. Respondent/s

Appearance :
(In Civil Writ Jurisdiction Case No. 11131 of 2023)
For the Petitioner : Mr. Satish Kumar Sinha, Advocate
For the State : Mr. Rishi Raj Sinha, SC-19
Mr. Saurabh Kumar, AC to SC-19
For Respondent Nos. 3-5: Mr. Om Prakash Singh, Advocate
(In Civil Writ Jurisdiction Case No. 11066 of 2023)
For the Petitioner : Mr. Satish Kumar Sinha, Advocate
For the State : Mr. Rishi Raj Sinha, SC-19
Mr. Saurabh Kumar, AC to SC-19
For Respondent Nos. 3-5: Mr. Om Prakash Singh, Advocate



CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL JUDGMENT**Date : 29-01-2024**

1. Heard learned counsels for the parties.
2. These writ applications have been filed for setting aside order dated 09.01.2023 passed by the Anchal Adhikari, Thakurganj (Respondent No. 2) in Mutation Case No. 11639 of 2022-23 whereby and where under mutation has been ordered in favour of the private Respondent Nos. 3, 4 and 5 herein, with respect to the land as detailed in the schedule (Annexure-2 to these writ applications).
3. It is contended on behalf of the petitioner that impugned order has been passed without notice to the petitioner as well as against the mandate of the Bihar Land Mutation Act, 2011, read with Bihar Land Mutation Rules, 2012.
4. In this case counter-affidavits have been filed on behalf of the respondent-State as well as private Respondent Nos. 3, 4 and 5. However, none of them have disputed the contentions made on behalf of the petitioner.
5. It is settled law that any authority under law, before passing any order prejudicial to a party, must issue notice to the affected parties and only after appearance of the parties and hearing them, the final order must be passed. In the present case,



however, from bare perusal of the order impugned dated 09.01.2023 passed by the Anchal Adhikari, Thakurganj (Respondent No. 2) in Mutation Case No. 11639 of 2022-23 and on going through the averments made by the petitioner, which has not been denied by the State or private Respondent Nos. 3, 4 and 5, it is clear that the petitioner was never heard by the Anchal Adhikari, Thakurganj (Respondent No. 2) before passing the impugned order dated 09.01.2023. In the opinion of this court, this kind of order is in complete violation of principles of natural justice and the same cannot be sustained.

6. In view of the foregoing reasons, order dated 09.01.2023 passed by the Anchal Adhikari, Thakurganj (Respondent No. 2) in Mutation Case No. 11639 of 2022-23 is hereby quashed.

7. Matter is remitted back to the Anchal Adhikari, Thakurganj (Respondent No. 2) and he is directed to hear afresh and dispose of the same, in accordance with law, after giving notice and due opportunity of hearing to the concerned parties by a reasoned and speaking order, preferably within a period of six months from the date of receipt/production of a copy of this order.

8. With the aforesaid observations and directions,



these writ applications are allowed.

(Prabhat Kumar Singh, J)

shashank/-

AFR/NAFR	AFR
CAV DATE	NA
Uploading Date	03.02.2024
Transmission Date	NA

