

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16810 of 2024

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Mamta Tiwari Daughter of Late Vindeshwar Tiwari Resident of Mohalla-
New Yarpur, Janta Road, Amrudi Bagicha, P.S.- Gardanibagh, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary of Urban Development and Housing Department, Bihar, Patna.
2. The Commissioner, Patna Municipal Corporation, Patna.
3. The Deputy Collector, Establishment, Patna.
4. The District Magistrate, Patna.
5. Executive Officer, New Capital Area, Patna Municipal Corporation, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Nawal Kishor Prasad, Adv.
For the State	:	Mr. Md. Zeeshan Kalim (AC to SC-20)
For the PMC	:	Mr. Ranjeet Kumar Pandey, Adv.

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL JUDGMENT

Date : 20-08-2026

Heard learned counsel for the petitioner, learned counsel for the State and learned counsel for the Patna Municipal Corporation.

2. The present writ petition has been filed for the following relief/s:-

“1. To issue a writ of Certiorari or any other writ or writs, direction or directions commanding upon the Respondent authorities for quashing the Memo No. VI-27/2022-3223 dated 21.09.2023 contained in Annexure-5 passed by the Deputy Collector, Establishment, Patna whereby and whereunder the application of petitioner for compassionate appointment



has been rejected and after quashing the Memo No. VI-27/2022-3223 dated 21.09.2023 petitioner be appointed on compassionate ground.

II. To pass any such other order or orders as the Hon'ble Court may deem just and proper in the facts and circumstances of the case.”

3. Learned counsel for the petitioner submits that the fact of the case is that the petitioner's mother was appointed on compassionate ground on the post of Sweeper in Ward No. 17, New Capital Area, Patna Municipal Corporation, Patna after the sad demise of petitioner's father. Counsel submits that the petitioner's marriage was solemnized in the year 2005 and just after two years of marriage, her husband died on 25.02.2007 and after the death of her husband, the petitioner became helpless and came to her paternal house and started living with her mother. He further submits that the petitioner's mother also died on 26.06.2022 during her service period and thereafter the petitioner had no source of income. Counsel submits that the petitioner being eligible for compassionate appointment had applied for the same by filing application on 13.12.2022 to the office of Respondent no. 5. The application of the petitioner



dated 13.12.2022 was forwarded by the Respondent no. 5 for the compassionate appointment and her application was placed before the District Compassionate Committee, Patna for consideration. Thereafter, the application of petitioner and 12 others were placed before the District Compassionate Committee on 21.09.2023 for consideration and the name of the petitioner reflected at serial no. 13 in the list. Counsel submits that the Compassionate Committee rejected the application of petitioner on 21.09.2023 contained in Memo No. VI-27/2022-3223 (annexed as Annexure-P/5) by ignoring the contents of Letter No. 16973 dated 10.12.2014 of General Administration Department, Govt. of Bihar. Learned counsel for the petitioner relied on a judgment of Hon'ble Supreme Court of India in case of *Sayara Khatoon @ Shayara Khatoon & Anr. Vs. The State of Bihar & Ors.* reported in *2026 SCC Online SC 1466*, wherein, it has been held that married daughter cannot be excluded from consideration for compassionate appointment merely based on her marital status and any classification differentiating a daughter from a son is, *per se*, unconstitutional.

4. Learned counsel appearing for the Patna Municipal Corporation submits that the case of the petitioner for appointment on compassionate ground in place of her late



mother namely, Savitri Devi was considered by the Patna Municipal Corporation Compassionate Committee under the Chairmanship of the District Magistrate, Patna and the same has been rejected and as such, the petitioner is not entitled for any relief.

5. This Court is of the view that for just decision of this case, it is necessary to quote the relevant para nos. 5 to 7 of *Sayara Khatoon @ Shayara Khatoon & Anr. (supra)* which states as follows:-

“...5. This Court has repeatedly held that any classification differentiating a daughter from a son is, per se, unconstitutional. On a perusal of the policy, we find that classification restricting eligibility only to a divorced or deserted daughter cannot be sustained in the eye of law. There cannot be a presumption in law that, after marriage, a daughter severs her ties with her parental family and resides with husband in her matrimonial home. In the present case, a specific statement has been made by the appellant that, although her divorce has not been formally recognized by law, she has been also living with her parental family. In fact, she has the support of her entire family including her mother and brother. In any event, adopting a hyper-technical approach



cannot be a ground to deny consideration of her claim for compassionate appointment, the appeal is entitled for consideration on merits. As already stated, the objection of the brother also no longer survives.

6. In view of the above, we are inclined to set aside the impugned order and consequently, the order rejecting claim for compassionate appointment also stands set aside. The respondent is directed to consider the case of the appellant for compassionate appointment on merits within a period of eight weeks from the date of receipt of a copy of this order.

7. Accordingly, the Civil Appeal is allowed.”

6. After hearing the parties and upon perusal of the documents, it transpires to this Court that the Committee has rejected the claim of the petitioner on the ground that the petitioner is a married daughter but the actual fact is otherwise, the petitioner is not the married daughter, rather, her status is of widowed daughter. Therefore, this court is of the firm opinion that the said circular on the basis of which decision has been taken shall not apply in the present matter. Hence, the order dated 21.09.2023 contained in Memo No. VI-27/2022-3223 (annexed as Annexure-P/5) is hereby set aside.



7. The District Compassionate Committee under the Chairmanship of the District Magistrate, Patna (Respondent no. 4) is hereby directed to take fresh decision with regard to the petitioner in the light of decision of Hon’ble Supreme Court in the case of *Sayara Khatoon @ Shayara Khatoon & Anr. (supra)*, considering this aspect of the matter that the Hindu Succession Act, 1956 (Act No. 30 of 1956) has completely changed in 2005 by virtue of amendment of Hindu Succession (Amendment) Act, 2005 and the daughters become coparcener. The District Compassionate Committee under the Chairmanship of the District Magistrate, Patna (Respondent no. 4) shall take decision within three months from the date of production of this order.

8. Accordingly, with the aforesaid observation & direction, this writ petition stands disposed off.

(Dr. Anshuman, J)

Divyansh/-

AFR/NAFR	AFR
CAV DATE	NA
Uploading Date	22/08/2026
Transmission Date	NA

