

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3656 of 2015

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Ajay Thakur S/o Late Jay Narayan Thakur, Resident of Village Nandani, P.S. Mohadinagar, District Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar through its Secretary cum Commissioner, Irrigation Department, Patna.
2. The District Compassionate Committee through its Chairman, Collector, Patna.
3. The Director, Irrigation Department, Patna.
4. The Chief Engineer, Irrigation Department, Anishabad, Patna.
5. The Superintending Engineer, Ganga Sone, Flood protection, Anchal Mithapur, Patna.
6. The Executive Engineer, Sone Flood Protection, Sub Division, Bihta (Khagoul), Patna.
7. The SDO, Sone Flood Protection, Sub Division, Bihta (Khagoul), Patna.
8. Smt. Sudha Devi W/o Late Praveen Kumar Thakur Resident of Village Nandani, P.S. Mohaddi Nagar, District Samastipur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vijay Anand

For the Respondent/s : Mr. SC13- ARVIND KUMAR-1

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 12-03-2015

A K Tripathi, J.

This writ application is required to be dismissed for more than one reason. There was never any recommendation by the mother of the petitioner after the death of her husband for compassionate appointment. Petitioner claiming to be the son is fighting a legal battle of acquiring a space and employment when he is not worth anything in the job market by virtue of the fact that he only claims himself to have passed Std. IX and he has already reached the age of 36.

2. Petitioner has a direct conflict of interest with the widow sister-in-law, who happens to be the widow of his brother, in whose favour the District Compassionate Appointment Committee has made recommendation for appointment.

3. It is a fact that there is no objection by the mother and other family members with regard to appointment of the widow. It is a tell-tale sign as to the confidence which the family members have in the petitioner and his capability to look after the family in distress after loss of bread earner.

4. In addition to that, the Court would like to tilt in favour of the widow, who is in distress along with the family. Her needs are greater for appointment under compassionate head. Her appointment will serve the society, social cause and the family better especially when such appointment is not contrary to the policy for grant of compassionate appointment.

5. In totality therefore, whatever be the objection of the petitioner with regard to the so-called qualification of the widow at the time of application and the subsequent acquisition thereof is of no avail as it cannot come in her way of appointment.

6. Writ application is dismissed being devoid of merit.

7. Before parting, the Court also records that the petitioner does not have a constitutional or fundamental right for appointment under compassionate head.

(Ajay Kumar Tripathi, J)

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