

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12617 of 2014

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1. Manoj Kumar Son of Late Uma Shankar Thakur Resident of village- Dawa,
Police Station- Jagdishpur, District- Bhojpur.

.... Petitioner/s

Versus

1. The Union of India, through Director General, Central Industrial Security Force,
13 C.G. Complex, New Delhi.
2. The Group Commandant CISF, Head Office, Allahabad.
3. The Assistant Commandant CISF, D.H.E.P., P.O.- Chandam, District-
Champawat, Uttrakhand.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Singh

For the Respondent/s : Mr. Sanjay Kumar, ASG

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 24-09-2015

Heard counsel for the petitioner and counsel for the
Union of India.

Father of the petitioner was an employee of CISF
holding the post of a Cleaner. He died in harness on 11.7.2012.
Petitioner, who is said to be the only son, made an application for
compassionate appointment. The authorities considered his claim
for compassionate appointment and has rejected the same after due
consideration and, therefore, the writ application.

Submission of the counsel for the petitioner is that
variable positions are being taken for rejecting the claim of the
petitioner. At one time, he was told that he was not able to

complete the one km run. At another time, after filing of the writ application, it is said that he does not have the requisite minimum height of 170 cms.

The respondents take a stand that the petitioner is married and has a family and in terms of the circular and directive relating to compassionate appointment, such persons are not treated as dependents for compassionate appointment.

In addition to that, they also take a stand that the minimum eligibility and requirement for such recruitment especially with regard to physical attributes have to be met and achieved. It is a paramilitary force and even if appointment is going to be made on a non-combative post, the physical requirements cannot be diluted.

Right of compassionate appointment does not flow from the Constitution of India. Such a right accrues by virtue of certain policy in vogue. If a person claims a right under the said policy, he has to fulfill the requirements of the policy. He cannot raise a grievance that merely because his father or mother was a government servant, he gets a right for appointment under the respondents without fulfilling the eligibility as such.

In totality, therefore, it is not a case for non-consideration nor is it a case of arbitrariness per se but a case of

rejection after due consideration on the petitioner not fulfilling the requirements of such recruitment.

Writ application, therefore, has no merit. It is dismissed.

(Ajay Kumar Tripathi, J)

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