

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.11988 of 2014

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1. Md. Nessar Ahmad, Son of Late Md. Rauf Ansari, Resident of village - Maneri
Bigha, P.S. Mahandia, District - Arwal

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Education Department, New Secretariat, Patna
2. The District Magistrate, Arwal
3. The District Superintendent of Education, Arwal
4. The District Education officer, Arwal

.... Respondent/s

with

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Civil Writ Jurisdiction Case No. 13616 of 2015

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1. Firoj Ansari, Son of Late Abdul Rauf Ansari, Resident of Village - Maneri
Bigha, Post - Usri, P.S. - Mehandia, District - Arwal (Bihar).

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education department, Government of Bihar, Patna.
2. The Principal Secretary, Education Department, Government of Bihar, Patna.
3. The Secretary (Primary Education), Education Department, Government of Bihar, Patna.
4. The District Magistrate cum Chairman, District Compassionate Appointment Committee, Arwal, District - Arwal.
5. The District Education Officer, Arwal, District - Arwal.
6. The Block Education Officer, Kaler Block, District - Arwal.

.... Respondent/s

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Appearance :

(In CWJC No. 11988 of 2014)

For the Petitioner/s : Mr. Jitendra Pandey

For the Respondent/s : Mr. GP5- RAJIV ROY

(In CWJC No. 13616 of 2015)

For the Petitioner/s : Mr. Shakib Ayaz

For the Respondent/s : Mr. P.K. SINGH- SC12

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 04-11-2015

There is a war on within the family between two brothers, who are said to be step brothers. Petitioners claim their right for compassionate appointment.

After the Court heard both the parties in quite a detail, matter was adjourned with an observation that if they resolve the dispute within the family and come back with an agreed consensus amongst themselves, the Court may consider passing appropriate orders but there is nothing of that kind emanating despite the adjournments granted twice over.

A supplementary affidavit on behalf of the petitioner of CWJC No. 11988 of 2014 has been filed trying to make out a case as to how intervener in his case is trying for family arrangement, looking at the distribution of wealth amongst the siblings/ legal heirs.

The question to be decided is whether this Court is willing to pass an order ignoring the right or claim made by the step brother. Even otherwise compassionate appointment is not a fundamental or constitutional right but is a very weak right. Obviously, the family is not in a position to reconcile or resolve the dispute amongst themselves as to who should be that member of the family who can take care of himself or his near dependents.

Be that as it may, both writ applications in the above circumstances are dismissed.

Let the petitioners be relegated to a civil court of competent jurisdiction.

(Ajay Kumar Tripathi, J)

R.K.Pathak/-

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