

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.19153 of 2014

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1. Kamlesh Das son of Late Durga Das, Resident of village- Vinoba Nagar, P.O. Pandey Parsawan, P.S.- Magadh Medical, District- Gaya

.... Petitioner/s

Versus

1. The State of Bihar
2. The Secretary in Chief, Department of Health, Medical Education and Family Welfare Government, Bihar, Patna
3. The Secretary, null Department of Health, Medical Education and Family Welfare Government of Bihar, Patna
4. The Director in Chief, Department of Health, Medical Education and Family Welfare Government of Bihar, Patna
5. The Principal, Anugrah Narayan Memorial Medical College and Hospital, Gaya
6. The Medical Superintendent Anugrah Narayan Memorial Medical College Hospital Gaya
7. The District Magistrate, Gaya-cum-the Chairman, District Compassionate Appointment Committee, Gaya

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ashutosh Singh

For the Respondent/s : Mr. GP7- D.K. Prasad

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 12-10-2015

Compassionate appointment is one of the weakest of rights. It is not even a constitutional right because it is hit by Articles 14 and 16 of the Constitution of India.

Such rights flow from circulars, which has been in vogue, on decisions taken by the State Government. But then any person claiming a right for compassionate appointment has to fulfill the requirements and the eligibility. After the nation has progressed, on the literacy front, the requirements of job profile are changing. If

the State decides to raise and make standard 10 as the minimum eligibility for appointment even under the compassionate head then nobody should raise a grievance because he belongs to a Mahadalit or other community. There is no law in this regard exempting them. The reason for rejection of the claim of the petitioner is because at the time of consideration he had only passed standard 8 as per the records. The reason for rejection of the claim of the petitioner seems to be valid. If the petitioner has acquired higher education subsequently, the decision contained in Annexure- 4 does not become vulnerable.

Writ is dismissed.

(Ajay Kumar Tripathi, J)

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