

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15020 of 2008

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Ganesh Kumar Mishra, son of late Pradeep Kumar Mishra, resident of
village Mazargahi, P.S. Biraul, District Darbhanga

.... Petitioner

Versus

1. The State of Bihar
2. Bihar State Fishery Development Corporation Ltd., Mithapur Farm,
Patna through its Managing Director
3. The Managing Director, Bihar State Fishery Development Corporation
Ltd., Mithapur Farm, Patna
4. Director, Fisheries, Bihar, Patna
5. District Magistrate, Khagaria
6. District Fisheries Officer, Khagaria

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Adv.

For the Respondent/s : Mr. Vivekanand Singh, AC to GA8

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

10 28-07-2015

Heard learned counsel for the parties.

Having regard to the admitted position that the father of the petitioner was only an employee of Bihar State Fishery Corporation, the appointment of the petitioner on compassionate ground is not permissible, inasmuch as this very issue has been decided by a Division Bench of this Court in the order dated 21.6.2001 in L.P.A.No. 533/2001, wherein it was held as follows:

“ This appeal is directed against the order dated 18.4.2001 passed in C.W.J.C.No. 2497 of 2001 by a learned Single Judge by which the writ application of the appellant for her appointment on compassionate ground has been dismissed. It appears from the order of the learned Single Judge that at present the financial position of the Fishery Development

Corporation in which the appellant's husband was employed is not good. In that view of the matter no direction can be given to the Corporation for compassionate appointment of the appellant. However, if the financial position of the Corporation improves the case of the appellant for her appointment on compassionate ground may be considered in accordance with law.

This appeal is accordingly disposed of.”

The rest of the submission of the learned counsel for the petitioner that the father of the petitioner was actually working in the office of the State Government again has been explained by the respondents in the counter affidavit that it was only by way of deputation. Learned counsel for the petitioner was also not in a position to produce any order which can go to show that the service of the petitioner was absorbed in the State Government. That would mean that the father of the petitioner remained substantively on the post on which he was appointed in the Fishery Corporation and had never become the Government servant.

Thus, the appointment of the petitioner on compassionate ground was not permissible and has been rightly rejected.

This application is, accordingly, dismissed.

(Mihir Kumar Jha, J)

surendra/-

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