

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9271 of 2014

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Amrit Kumar Singh son of Late Chandra Bali Singh Resident of village -
Pawat, P.O. Agrasanda, Behra, Police Station Ara Muffasil, District - Ara
(Bhojpur)

.... Petitioner/s

Versus

1. The Union of India, through Inspector General, C.I.S.F., C.G.O.
Complex Lodi Road, New Delhi
2. Assistant Deputy Inspector, Recruitment/Appointment C.I.S.F., Head
Quarter, New Delhi
3. The Inspector General, C.I.S.F., E.S.H.Rs., Patna
4. Deputy Inspector General, C.I.S.F. Unit, B.C.C.L., Dhanbad

.... Respondent/s

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Appearance :

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

For the Respondent/s : Mr. Anjani Kumar Sharan, CGC

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 18-03-2015 Heard learned counsel for the parties as with regard to
the following relief prayed in this writ application:-

*"---- to quash the letter No. compassionate
appointment/2012/14687 dated 19.12.2012 by the
Respondent and further for issuance of writ/direction to
concerned Respondent to accommodate the petitioner on
alternative post in CISF accept the post of constable any
other post like Grade-IV or Group-D post in compassionate
appointment on the ground that the father of the petitioner
had died on his duty period, and no one is earning member
in petitioner family----"*

Learned counsel for the petitioner has submitted that
though it is true that the petitioner was given three opportunities
for being selected for appointment on compassionate ground but



then even if he had failed in the physical test or the fitness for the post of Constable, the authorities ought to have appointed the petitioner on such other posts such as electrician, washer-man etc. for which no stringent physical fitness was required.

In the considered opinion of this Court, it does not lie in the mouth of the petitioner to now come out with the plea of his being appointed again in any other post. The petitioner had availed three opportunities for being selected and appointed on compassionate ground on the post of Constable. The petitioner could not clear the prescribed physical test of running and that too on the reduced scale as also his height was not found as per the prescribed norms of CISF. The petitioner having thus thrice failed cannot now raise a grievance because if the petitioner was never found fit or qualified for the post of Constable, he ought to have not applied for the post of Constable while seeking appointment on compassionate ground.

The further plea of the petitioner that the family has been left with no other means also seems to be not correct because the family has been provided with the death-cum-retirement benefit of the father of the petitioner. If the petitioner is not qualified to be employed in CISF, which has got its own norms of making appointment, this Court cannot direct the respondents to

appoint the petitioner on any post simply because he happens to be dependent of an employee of CISF who had died in harness. Appointment on compassionate ground is to be governed by the scheme and as per the scheme in hand the petitioner was considered on three occasions and was found unfit in all of them. This Court therefore now can now hardly help him in any manner much less issue a direction for his appointment on compassionate ground.

That being so, this application must fail and is, accordingly, dismissed.

(Mihir Kumar Jha, J)

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