

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1495 of 2016

IN

Civil Writ Jurisdiction Case No. 16089 of 2014

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Ravindra Kumar, Son of late Sita ram Yadav, resident of village-Usas Deora, P.S.-
Konch, District-Gaya

.... Petitioner/ Appellant

Versus

1. The State of Bihar
2. The Collector-Cum Chairman of District Compassionate Committee, Gaya
3. The Senior Superintendent of Police , Gaya
4. Commandant, B.M.P-3, Bodh Gaya
5. Dy. Collector, (Special), Gaya
6. Members of district compassionate committee, Collectorate Gaya

.... Respondents /Ops

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Appearance :

For the Appellant/s : Mr. Raj Ballabh Singh, Advocate

For the Respondent/s : Mr.

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

(Per: HONOURABLE DR. JUSTICE RAVI RANJAN)

Date: 24-10-2016

Heard.

The appellant-writ petitioner is aggrieved by the
judgment dated 21.06.2016 passed in C.W.J.C. No.16089 of
2014 by which the writ petition filed by the appellant-writ



petitioner for setting aside the order of the rejection of his application for appointment on compassionate ground and for further direction to the appointment committee to re-consider his application for appointment on compassionate ground, has been dismissed by the learned Single Judge after noticing that two brothers of the appellant-writ petitioner are already employed in Government service, thus, his claim is not at all tenable as the employed brothers should take responsibility of the family members.

Learned counsel appearing for the appellant has submitted that the learned Single Judge ought to have considered the plea of the appellant that both the brothers are not taking responsibility of the family and this appellant has given undertaking that he will look after his mother, and, as such, employment should have been given to him as there is no delay also in making application for seeking such appointment after the death of his father in the year 2012.

However, we find no force in the submission made on behalf of appellant. The offer of appointment on compassionate ground only provides a tool to help the family to see through the immediate crisis which it would face after the death of the bread-earner. However, in the present case, since two brothers of



the appellant are admittedly employed in Government service, it would be their responsibility to tide off the family from the such immediate crisis. The mother has filed affidavit on 12.07.2013 stating that she does not have any objection if employment is given to the appellant. Such affidavit has been appended as Annexure 2 to the writ petition but in that affidavit, she did not state that her two sons are already in Government service, which amounts to suppression. It further appears that when the Circle Officer gave a report on 24.06.2014 that the two brothers of the appellant are already in Government service then again an affidavit, as contained in Annexure 5 of the writ petition, was filed by the mother stating that two sons are living separately and the younger son, i.e., the appellant, is only looking after her. This appears to be an afterthought after issuance of such certificate, as contained in Annexure B, by the Circle Officer, Konch, Gaya which stands appended as Annexure C filed in the writ petition by the respondent nos.2, 5 and 6. Amazingly, in the application made by the appellant for the purpose of appointment on compassionate ground, names of brothers have been disclosed in the column 5 of the dependants but the column for making statement whether they are employed or not, was kept vacant.

It appears that the subsequent case, that the employed brothers are living separately, is an afterthought and, there has been suppression of the fact also as stated above by both, the appellant while applying for the job on compassionate ground and his mother at the time of filing of the first affidavit supporting his case.

Having regards to the aforesaid, in our considered opinion, there is no reason warranting interference in the judgment passed by the learned Single Judge.

Accordingly, this appeal is dismissed.

(I. A. Ansari, CJ)

(Dr. Ravi Ranjan, J)

Sanjay-II/-

AFR/NAFR	NAFR
CAV DATE	NA
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