

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5231 of 2014

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1. Manoj Kumar, Son Of Late Sita Ram Mahto, Resident Of Village- Bhagwanpur
Ramla, P.S. Ujiarpur, District- Samastipur

.... Petitioner/s

Versus

1. The State Of Bihar
2. Principal Secretary, General Administration Department, Government Of Bihar,
Patna
3. District Magistrate-Cum-Chairman, District Compassionate Committee,
Samastipur

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar Singh

For The Respondent/s : Mr. GP-20 Nadeem Seraj

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 25-02-2016

Petitioner is looking for compassion within compassion.

He has already been appointed on compassionate ground after the demise of his father in harness on a class IV post, way back on 2.7.2010. He accepted the offer, joined the post, has been working in that capacity since then and now, he claims that he has higher qualification, therefore, he should be given an opening in life on a class III post instead of a class IV post. Since the respondents have rejected his claim, the writ application has been filed.

As it is, the Courts including Hon'ble Apex Court in recent times have taken a view that compassionate appointment violates Articles 14 and 16 of the Constitution of India and is not a statutory or fundamental right. It is creation of a policy. So long as

policy subsists, such request or prayers can be entertained.

In this era of unemployment or large scale manpower going without employment despite holding high degrees, compassionate appointment cannot be used as a method of entry into service as well as to enhance ones prospects by demanding accommodation on a higher post merely because a man sees pot of gold at the end of the rainbow.

If the petitioner really feels that he is capable of better assignment, let him try his luck by having a go in the open market instead of trying to enhance his prospects of post and perks by moving the authorities or the High Court.

The Court is not willing to oblige the petitioner by giving any kind of indulgence on such issue for more than one reason, which has also been noted by the respondents in the counter affidavit filed on their behalf.

Writ is dismissed.

(Ajay Kumar Tripathi, J)

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