

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9843 of 2013

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Ganesh Kumar Pandey Son of Late Nathuni Pandey, resident of village- Badaki
Nainijor, P.S.- Brahmpur, District- Buxar.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Secondary Education, New
Secretariat, Patna
2. The District Magistrate, Buxar
3. The District Education Officer, Buxar.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Awadhesh Kr. Mishra and Anand Kr. Mishra

For the Respondent/s : Mr. Pawan Kumar Mishra

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 21-07-2016

Heard learned counsel for the petitioner and learned
counsel for the State.

In this case, the petitioner is seeking quashing of Memo no.
1209 dated 15.12.2008 whereby and whereunder the District
Compassionate Committee, Buxar presided over by District Magistrate-
cum-Chairman refused to extend the benefit of compassionate
appointment.

The father of the petitioner was an Assistant Teacher in
Shri Ganpati Chakani High School, Hathilpur, Brahmpur, District-Buxar
and died in harness in the year 1995.

After more than 11 years, the petitioner has filed the
application for compassionate appointment claiming to be only son of
the father.

The Committee considered his case and found that he is not entitled for the benefit of compassionate appointment on account of delay, in view of judgment reported in (1994) 4 SCC 138 (Umesh Kumar Nagpal v. State of Haryana) where the Hon'ble Supreme Court has specifically decided that the appointment on compassionate ground cannot be a source of employment, merely it is giving privilege when the family bread earner has died and the family comes to distress and penury, the benefit is extended to the family, the appointment is not given to the petitioner of his father, but because of bread winner has died and family became financial instable to carry the load.

The case of the petitioner is that his father was an employee of the State Government, died in harness, to mitigate the financial distress, the petitioner should be appointed.

As already 11 years have lapsed, the purpose of compassionate appointment is frustrated, as the family of the deceased has already settled, requires no any financial assistance, in such view of the matter, this Court does not find any reason to interfere with the impugned order.

Accordingly, this petition is dismissed.

Mahesh/-

(Shivaji Pandey, J)

AFR/NAFR	NAFR
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