

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.19100 of 2011

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Triloki Tiwari , son of Late Upendra Tiwari, resident of Village - Kusum Tola ,
Police Station - Sugauli in the district of East Champaran

.... Petitioner

Versus

1. The State of Bihar
2. The District Compassionate Committee, Vaishali through its Chairman - Cum District Magistrate, Vaishali at Hajipur
3. The Superintending Engineer, Building Construction Department, Building Circle, Muzaffarpur.
4. The Executive Engineer, Building Division, Hajipur (Vaishali)

.... Respondents

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Appearance :

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

For the Respondent/s : Mr. AC to SC-15

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR

ORAL JUDGMENT

Date: 11-05-2016

Heard Sri Sunil Kumar, learned counsel for the
petitioner and learned AC to SC-15.

2. The petitioner has approached this Court, invoking
its writ jurisdiction under Article-226 of the Constitution of India,
with a prayer to quash the recommendation of the District
Compassionate Committee, Vaishali contained in Memo No.587
dated 24.05.2010 only to the extent, whereby the name of the
petitioner was recommended to be appointed against Class-IV post.

3. It was submitted by learned counsel for the
petitioner that the same District Compassionate Committee having
similar qualification in respect of some others has recommended for



their appointment against Class-III post, whereas the case of the petitioner has been distinguished and, as such, a prayer has been made to quash the recommendation of the District Compassionate Committee to the extent whereby the recommendation has been made for appointment of the petitioner against Class-IV post instead of Class-III post. He has also prayed that the petitioner may be directed to be appointed against Class-III post.

4. Short fact of the case is that the petitioner's father occupying Class-IV post as Chowkidar in the office of the Executive Engineer, Building Division, Vaishali died in harness on 07.01.2009. Thereafter, an application was filed by the petitioner for being appointed on compassionate ground, which was considered by the Compassionate Appointment Committee along with number of cases and finally recommendation was made.

5. It has been accepted by learned counsel for the petitioner that the recommendation has already been given effect to and the petitioner in view of recommendation has already joined on 18.01.2010 and started working. Learned counsel for the petitioner submits that though the petitioner had joined, but the joining was given under protest. The Court is of the opinion that the appointment on compassionate ground may not be claimed as a matter of right. The appointment on compassionate ground is an exception of Articles 14

and 16 of the Constitution of India. The main object for providing compassionate appointment is to provide immediate financial assistance to the family of the deceased employee. Once the petitioner was recommended and recommendation has already been effect to by way of appointing the petitioner to join against Class-IV post, at subsequent stage, the petitioner may not be allowed to raise any dispute regarding his appointment against Class-III post. Moreover, the father was employed on Class-IV post.

I do not find any ground to interfere with the matter.

The writ petition stands dismissed.

(Rakesh Kumar, J)

NKS/-

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