

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No. 146 of 2016

IN

Civil Writ Jurisdiction Case No. 17339 of 2014

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Usha Devi, W/o Late Lalan Kumar Tyagi, resident of Village -
Bagdobh, P.S. - Matihani, District - Begusarai.

.... Appellant/s

Versus

1. The State of Bihar through the Principal Secretary, Rural Development Department, Bihar, Patna.
2. The District Magistrate-cum-Chairman, District Compassionate Committee, Begusarai.
3. The Deputy Collector, District Establishment, Begusarai.
4. The B.D.O., Bhagwanpur, Begusarai.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Abdul Mannan Khan, Adv.
Mr. Hare Krishna Prasad, Adv.

For the Respondent/s :

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CORAM: HONOURABLE THE CHIEF JUSTICE

And

**HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**

ORAL JUDGMENT & ORDER

**(Per: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH)**

Date: 29-07-2016

The present application has been preferred by the

appellant, under Clause 10 of the Letters Patent of this Court, challenging the judgment, dated 14.08.2015, passed by the learned single Judge, in C.W.J.C. No. 17339 of 2014, whereby the writ application filed by the appellant, claiming appointment of her son on compassionate ground, has been dismissed.

2. There are certain facts, which are not in dispute.

3. The appellant is the widow of late Lalan Kumar Tyagi, who died in harness, on 05.12.2001, while working as Panchayat Secretary, under Bhagwanpur Block, in the district of Begusarai. The appellant applied for her appointment on compassionate ground on 06.07.2002. Her claim was, however, rejected on 04.09.2006. The appellant did not question the rejection of her application for appointment on compassionate ground.

4. Much thereafter, the appellant filed an application, this time seeking appointment of her son on compassionate ground, which came to be rejected on 15.07.2014. Aggrieved by the said decision, dated 15.07.2014, whereby the appointment of her son on compassionate ground had been rejected, she filed an application, under Article 226 of the Constitution of India, giving rise to C.W.J.C. No. 17339 of 2014. Having kept in

mind the fact that 14 years had already elapsed from the death of the deceased employee, the learned single Judge dismissed the writ application by the judgment, dated 14.08.2015.

5. Learned Counsel, appearing on behalf the appellant, has submitted that the appellant's son was minor at the time of the death of the deceased employee and once he attained majority, the appellant rightly made an application seeking appointment of her son on compassionate ground.

6. We do not find merit in the submission so advanced on behalf of the petitioner. Appointment on compassionate ground is an exception to appointment to a public post, in conformity with Articles 14 and 16 of the Constitution of India, in order to provide immediate succour to the family of deceased employee, he/she being the sole bread-earner. The very purpose of the scheme of appointment on compassionate ground shall stand frustrated if appointments are allowed to be made on that ground after several years (14 years in the present case).

7. We have also noticed that the son of the deceased employee had not applied for appointment on compassionate ground nor did he question the decision of the respondents, whereby the appellant's application came to be

rejected.

8. In view of the above, we do not find any reason to interfere with the judgment and order, under appeal, which do not suffer from any factual or legal infirmity.

9. This appeal has no merit and is, accordingly, dismissed.

(I. A. Ansari, CJ.)

(Chakradhari Sharan Singh, J.)

Praveen-II/-

AFR/NAFR	NAFR
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