

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.13795 of 2013

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Sanjay Kumar Karn, son of late Ram Nandan Prasad, Resident of Village - Chhoti Keshopur, Post - Jamalpur, P.S. - Jamalpur, District - Munger

.... Petitioner

Versus

1. The State of Bihar, through the Principal Secretary, Personnel and Administrative Reforms Department, Government of Bihar, Patna.
2. The Deputy Secretary, Personnel and Administrative Reforms Department, Government of Bihar, Patna.
3. The Commissioner, Munger Commissionary, Munger.
4. The District Magistrate-Cum-Chairman, Compassionate Committee, Sheikhpura.
5. The Superintendent of Police, Sheikhpura, Member, Compassionate Committee, Sheikhpura.
6. The Additional Collector, Sheikhpura, Member, Compassionate Committee, Sheikhpura.
7. The Deputy Development Commissioner, Sheikhpura, Member, Compassionate Committee, Sheikhpura.
8. The Sub Divisional Officer, Sheikhpura, Member, Compassionate Committee, Sheikhpura
9. The Deputy Collector (Establishment), Sheikhpura, Member, Comapassionate Committee, Sheikhpura.
10. The District Welfare Officer, Sheikhpura, Member, Compassionate Committee, Sheikhpura.
11. The Assistant Commissioner, Commercial Taxes Department, Lakhisarai, Member, Compassionate Committee, Sheikhpura.
12. The District Education Officer, Sheikhpura, Memeber, Compassionate Committee, Sheikhpura.
13. The District Education Superintendent, Sheikhpura, Member, Compassionate Committee, Sheikhpura.
14. The Circle Officer, Shekhpura, Member, Compassionate Committee, Shekhpura
15. The Circle Officer, Barbiga, District - Sheikhpura, Member, Compassionate Committee, Shekhpura.
16. The Rajashwa Karmchary, Shekhpura Circle, District – Shekhpura.

.... Respondents

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Appearance:

For the Petitioner/s : Mr. Anirudh Kumar Sinha, Adv.

For the State : Mr. Anil Kumar Sinha, G.A.-1

Mr. Aditi Hansaria, A.C. to G.A.-1

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 16-12-2016

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



2. In this case, the petitioner is seeking compassionate appointment.

3. The compassionate appointment cannot be a source of appointment as the compassionate appointment is meant to mitigate the sudden financial distress, which arises on account of sudden demise of bread-earner. In such circumstances, the State comes forward and gives solace to the family member of the deceased-employee by granting compassionate appointment so that the family may not reach to penury. But in the present case, three family members of the petitioner's family are in the Government service.

4. Further, it appears that earlier Sunaina Devi, mother of the petitioner had approached this Court in C.W.J.C. No.16667 of 2007 for the same relief and this Court vide order dated 13.04.2011 rejected the said writ application. The Court has held that out of family of five persons three of them are employed namely Sunaina Devi, in Government service, Poonam Devi in Central Government service and Shashi Bhanu Kumar the elder son is in Government service and placed reliance on the judgment of the Hon'ble Supreme Court in the case of *Umesh Kumar Nagpal vs. State of Haryana and Ors*, reported in (1994) 4 S.C.C. 138.



5. The mother of the petitioner did not stop there and she mustered the courage and approached the Division Bench in Letters Patent Appeal No.1242 of 2011. The Division has not accepted the claim of the mother of the petitioner and dismissed the said Letters Patent Appeal. When the mother of the petitioner has already made an endeavour for compassionate appointment of the petitioner and could not succeed as the family was not in financial distress or in penury, the question of giving compassionate appointment does not arise, otherwise it will run counter to the concept of compassionate appointment.

6. In such view of the matter, this Court does not find any merit in this writ application. Accordingly, this writ application is dismissed.

(Shivaji Pandey, J)

pawan/-

AFR/NAFR	N.A.F.R.
CAV DATE	N/A
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