

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.14868 of 2014

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Rishikesh Sharma, Son of Late Nand Kishore Prasad, Resident of Village -
Haajigunj, P.S. Chowk, District - Patna

.... Petitioner

Versus

1. The Union of India, through its Secretary, Department of Telecom, New Delhi
2. Bharat Sanchar Nigam Limited New Delhi through its Chairman-Cum -
Managing Director, New Delhi
3. Chief General Manager Telecom, Bharat Sanchar Nigam Limited (BSNL) Bihar
Circle, Patna - 800001
4. Assistant Director, Telecom Recruitment, BSNL, Bihar Circle, Patna
5. The Telecom District Manager, Munger

.... Respondents

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Appearance :

For the Petitioner : Mr. Dharendra Nath Jha, Advocate.
For the B.S.N.L. : Mr. Yogendra Prasad Sinha, Advocate.
For the Union of India : Mr. Shyam Bihari Singh, C.G.C.

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CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA

and

HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE HEMANT GUPTA)

Date: 25-04-2016

Heard learned counsel for the parties.

2. The order dated 17th of February, 2014 passed by
the Central Administrative Tribunal, Patna Bench, Patna (for short
“the Tribunal”) in O.A. No. 572 of 2011 is subject matter of challenge
in the present writ application, whereby the claim of the petitioner for
appointment on compassionate grounds remained unsuccessful.

3. Sri Nand Kishore Prasad, father of the petitioner,
died on 23rd of May, 1996 leaving behind the petitioner, one
unmarried son and one unmarried daughter. The petitioner passed



Matriculation examination in the year 1999 having born on 15th of April, 1978. He applied for appointment on compassionate grounds in the year 2004. His claim for appointment on compassionate grounds was rejected on 28th of January, 2006. It is only in the year 2011; the petitioner invoked the jurisdiction of the Tribunal seeking appointment on compassionate grounds, which was declined.

4. Firstly, we find that the petitioner attained the age of majority in the year 1996, since he was born on 15th of April, 1978. However, he applied for appointment on compassionate grounds in the year 2004 i.e. almost eight years later. The appointment on compassionate grounds is exception to the general rule which warrants all appointments on merit by giving opportunity to all eligible candidates to apply for consideration. The appointment on compassionate grounds is to provide financial help to the family in distress. The petitioner attained majority in the year 1996. The mother of the petitioner has predeceased his father. Therefore, the appointment on compassionate grounds has been rightly rejected in the year 2006.

5. Still further, the respondents in the reply have pointed out that since the year 2007, the department is considering weightage point system for assessment of indigent condition of the applicants. The department found the condition of the petitioner not to

be indigent so as to consider his case for appointment on compassionate grounds.

6. The petitioner could not secure 55 points; whereas, more deserving candidates were in queue. Therefore, he could not get a favourable consideration.

7. For the reasons recorded by the Tribunal and as mentioned above, we do not find any error in the order passed by the Tribunal which may warrant interference in the writ jurisdiction of this Court.

8. The writ application is, thus, dismissed.

(Hemant Gupta, J)

(Ahsanuddin Amanullah, J)

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