

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15071 of 2013

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Archana Kumari D/O Late Shiva Balak Prasad Resident Of Village- Beldari Bigha,
Police Station- Hilsa, District- Nalanda.

.... Petitioner/s

Versus

1. The State Of Bihar Through Principal Secretary Department Of Home, Govt. Of Bihar, Patna.
2. The Director Forensic Science Laboratory, Bihar, Patna.
3. The District Magistrate, Patna.
4. The Superintendent of Police (C), Crime Investigation Department, Bihar, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kr. Singh, Adv.
Mr. Anil Kumar Singh, Adv.
Mr. Pradeep Chandra, Adv.

For the State : Mr. Ram Shankar Prasad, AC to GP-14

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL JUDGMENT
Date: 15-12-2016

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

In this case, the petitioner is seeking appointment on compassionate ground on Class-III and Cass-IV post, claiming that her father had died in harness.

The father of the petitioner was an employee of Forensic Science Laboratory, Bihar, Patna who died in harness on 25.7.2010. After that, the petitioner filed an application for appointment on compassionate ground.

In the body of the writ application, it has specifically been stated that one of her brother is a government servant but, is living separately from the entire family of the petitioner. The brother of the



petitioner is a Railway employee, posted at Nasik, Maharashtra. The case of the petitioner was considered and was refused on the ground that one of her brother is a government servant, cannot claim any appointment on compassionate ground. The benefit of compassionate appointment is not given to an individual but to the family and that too for the sustenance of the family in a situation when the bread earner has died and the family has been left to financial distress. Here the family has already an earning member, the question of financial distress does not arise. A claim has been made that the brother of the petitioner is living separately cannot be a ground to grant benefit of compassionate appointment. This issue has already been taken into consideration by this Court in CWJC No. 10236 of 2013 (Vijay Kumar Vs. The State of Bihar & Ors.) wherein placing reliance on the Division Bench judgment of this Court, the Court had held that it is not a source of appointment but, to give solace to the entire family, the benefit is given to tide over the financial crisis. In the present case, already one of the brothers is in employment in the Railway and, thus, the question of granting compassionate appointment to the petitioner does not arise.

With the aforementioned observation, this application is dismissed.

(Shivaji Pandey, J)

Rishi/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	17.12.2016
Transmission Date	

