

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1218 of 2016

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Ashit Kumar, S/o Late Binod Kumar Pandey, Resident of village - Sahuri, P.O. Saidpur Via - Pusa, P.S. Chakmehasi, District - Samastipur (Bihar)

.... Petitioner

Versus

1. The Union of India represented through the Secretary, Department of Science & Technology, (Ministry Science & Technology), Technology Bhawan, New Mahrauli Road, New Delhi - 110016
2. The Surveyor General of India, Survey of India, Hathi Bankala Estate, Dehradun - 248001 (Uttranchal)
3. The Director, Bihar Geo - Spatial Data Centre (Eastern Zone), 164, Shekhpura House, Near J.D. Women's College, P.O. B.V. College, Patna 800014

.... Respondents

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Appearance :

For the Petitioners : Mr. Prabhakar Sahai, Advocate.

For the Union of India : Mr. Arvind Kumar Tewary, 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: 20-06-2016

Heard learned counsel for the petitioner and the Union of India.

2. The challenge in the present writ application is to an order dated 22nd of July, 2013 passed by the Central Administrative Tribunal, Patna Bench, Patna (hereinafter referred to as “the

Tribunal”) in O.A. No. 394 of 2012 and the order dated 27th of September, 2013 passed in Review Application No. 41 of 2013, whereby and whereunder an Original Application filed by the petitioner for appointment on compassionate grounds was dismissed.

3. The father of the petitioner Binod Kumar Pandey died on 26th of March, 2006. The mother of the petitioner sought appointment of the petitioner on compassionate grounds as both of her sons were minor at the relevant period. The petitioner was informed that his claim for appointment on compassionate grounds was considered in the year 2007, 2008, 2009 and 2010 but could not be appointed as he was not the most deserving for the limited number of vacancies available. The learned Tribunal in the impugned order dated 22nd of July, 2013 found that the case of the petitioner for appointment on compassionate grounds has been considered four times though the instruction provided three considerations. Since the claim of the petitioner for appointment on compassionate grounds has been considered four times but could not merit appointment on account of more deserving candidates other than the petitioner being available, we do not find that there is any error in the order passed by the Tribunal. The quota of appointment on compassionate grounds is limited. Even if a candidate is eligible for appointment on compassionate grounds but keeping in view the limited quota

available, he may not be still able to be appointed. Since the petitioner has been considered four times in four years, therefore, we do not find any error in the order passed by the Tribunal.

4. The writ application is, thus, dismissed.

(Hemant Gupta, J)

(Ahsanuddin Amanullah, J)

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