

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Civil Writ Jurisdiction Case No.10616 of 2014**

=====

Ajay Kumar, S/o Late Devkinandan Gupta R/o Mohalla Malki Katchahri,  
Yamunapur, P.O. Madhomill, P.S. Malsalami, Patna City, District Patna.

.... .... Petitioner/s

Versus

1. The State of Bihar through Secretary to Govt. of Bihar, Department of Energy, Irrigation Building in the campus Old Secretariat, Patna.
2. The Engineer-in-Chief, Govt. of Bihar, Energy Department, Irrigation Building, in the campus of Old Secretariat Building, Patna.
3. The Chief Engineer, Energy Department, Bihar, Patna Irrigation Building, in the campus of Old Secretariat, Patna.
4. The Electrical Superintending Engineer, Electrical Work Circle, Patna, South of Bailey Road, Patna, Near High Court.
5. The Electrical Executive Engineer, Electrical Work Division, Patna, South of Bailey Road, Near Patna High Court.
6. The District Officer-cum-Chairman, District Compassionate Committee, Patna, District Patna.

.... .... Respondent/s

=====

**Appearance :**

For the Petitioner/s : Mr. Lalan Kumar Singh  
For the Respondent/s : Ms. Nutan Sahay  
AC to A.A.G.-12

=====

**CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI**

**ORAL JUDGMENT**

**Date: 20-12-2016**

Heard learned counsel for the parties.

The core issue is whether this High Court can give direction upon the respondents to make appointment on compassionate ground in violation of the guidelines of the minimum eligibility as to the qualification. The minimum requirement for any government appointment now in terms of the General Administration decision is matriculation. Petitioner is not a matriculate.

If that be so, then he lacks basic eligibility even for



compassionate appointment also. Petitioner cannot be appointed contrary to the eligibility, especially when compassionate appointment is not a constitutional right, but is a creature of a policy.

Writ application has no merit, it is dismissed.

Before parting, counsel for the petitioner submits that certain people have been appointed with lesser qualification than matriculation. If that be so, the authorities concerned will scrutinize and take corrective measure in this regard. But two wrongs cannot make a right.

**(Ajay Kumar Tripathi, J)**

SKM/-

|                   |            |
|-------------------|------------|
| AFR/NAFR          | N.A.F.R.   |
| CAV DATE          |            |
| Uploading Date    | 21.12.2016 |
| Transmission Date |            |

