

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

**Civil Writ Jurisdiction Case No. 2762 of 2014**

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Shambhu Kumar Son Of Late Nageshwar Mandal Resident Of Mohalla- P.W.D.  
Campus, P.O.- Bari Post Office, P.S.- Tilka Manjhi, District- Bhagalpur

.... .... Petitioner/s

Versus

1. The State Of Bihar
2. The Director, Health Services, Government Of Bihar, Patna
3. The Deputy Director, Health Services, Government Of Bihar, Patna
4. The Collector, Bhagalpur
5. The Civil Surgeon-Cum-Chief Medical Officer, District- Bhagalpur
6. The District Leprosy Eradication Officer, District- Bhagalpur
7. The Incharge Health Officer, Leprosy Control Unit, Kahalgaon, Null District-  
Bhagalpur
8. The Senior Deputy Collector, District Establishment Section, District-  
Bhagalpur

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Jharkhandi Upadhyay  
For the Respondent/s : Mr. SC-14 Dr. Anshuman  
Mr. Kuber Pathak

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

**ORAL JUDGMENT**

**Date: 01-02-2016**

Heard learned counsels for the parties.

Writ application of the petitioner has been filed for a direction upon the respondents to appoint him on compassionate ground, as he is one of the legal heirs and son of late Nageshwar Mandal, who was said to be working as a Night Guard and died in harness on 11.07.2004.

When the State was directed to file a counter affidavit as to why claim of the petitioner has not been processed and acted upon, now, another picture emerges, which is that mother of the

petitioner is also a government servant. She is working as a Female Ward Attendant and is at present posted at Primary Health Centre, Goradih in the district of Bhagalpur. She has been in employment since 06.01.1997.

There is no rebuttal on this position on behalf of the petitioner, who had been served the counter affidavit as far back as on 8<sup>th</sup> of January, 2016. Obviously, a false and misleading declaration has been given on behalf of the petitioner to beget the benefit of compassionate appointment, which anyway is not a fundamental right for such appointment.

The Court is not, therefore, enthused that there is an omission on the part of the respondents in rejecting the claim of the petitioner, including the ground of delay and limitation. If the petitioner tried to beget benefit on the basis of mis-declaration or false declaration, then the authorities are not bound to entertain such request. Further the petitioner has also not approached the High Court with clean hands. He has suppressed facts even before this Court.

In view of the aforesaid facts and circumstances, writ application is dismissed.

**(Ajay Kumar Tripathi, J)**

SKM/-

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