

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7931 of 2014

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Alok Kumar Singh, S/O Late Bhuwaneshwar Singh, At present Resident of Shivpuri, Katira, P.S.- Ara, District- Bhojpur. Permanent Resident of Village- Kadawan, P.O.- Maudihan, P.S.- Gadh Nokha, District- Rohtas.

.... Petitioner

Versus

1. The State of Bihar
2. The Secretary, Social Welfare Department, State of Bihar, Old Secretariat Bihar, Patna
3. The Director, social security and Handicapped Directorate (Social Welfare Department), Bihar, Patna
4. The District Magistrate, Munger
5. The Deputy Collector (Establishment), Munger
6. The Sub Divisional Officer, Sadar, Munger
7. The Block Development Officer, Sadar Block, Munger

.... Respondents

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Appearance :

For the Petitioner	:	Mr. Hemendra Pd. Singh, Advocate Mr. Shashi Bhushan Kumar, Advocate
For the State	:	Mr. Amar Nath Deo, S.C.26 Mr. Pravin Kumar Verma, A.C. to S.C.26

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 09-05-2016

Petitioner claims himself to be the elder brother of one Sri Vivek Kumar Singh who was earlier granted compassionate appointment after the death of his father in the year 2009. Vivek Kumar Singh was appointed on the post of a Clerk in a block office and was posted in Munger. He committed suicide. Petitioner moved the authorities for compassionate appointment which has now been rejected by virtue of Annexure-1, dated 13.12.2012 by the District Magistrate, Munger. The writ application has been filed for quashing of Annexure-1.

Learned senior counsel representing the petitioner submits that the facts of the case are so moving that law should also move in that direction to extend benefit to the present petitioner keeping in mind the background that ultimately the family again has been left without a bread earner.

There are hard cases but it is nothing unique in a country of 127 crores, people where not even 7 crores are government employees. There is no compassionate appointment for the rest.

The Hon'ble Apex Court has time and again opined that compassionate appointment is not a fundamental right and in fact it violates or verges on violation of Articles 14 and 16 of the Constitution of India. In fact organizations which have abolished provision for compassionate appointment then decision has been upheld in a number of cases. However leeway has been given in such matters where such policy do subsist but then the benefit will accrue strictly within the frame work of that policy.

The old saying is that hard cases made bad law and this Court does not want to lay down a bad law merely being moved by the submission of the learned senior counsel as to the fate of the family. If the reasons for rejection of the claim of the present petitioner are strictly within the parameters of the compassionate appointment policy then a correct order passed by the District

Magistrate will not be declared to be invalid merely because it will have a fall out on the claim of the petitioner for compassionate appointment.

Annexure-1 does not suffer from any infirmity legal or otherwise, therefore, is not required to be interfered with.

Writ is dismissed.

(Ajay Kumar Tripathi, J.)

SanjayKumar/-

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