

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9281 of 2013

Vijay Kumar S/O Late Ram Bali Singh R/O Village- Barahi Jagdish, P.S. Purhania
And District- Sheohar, A/P Residing At A.N. Sinha Institute Of Social Studies,
Patna

.... Petitioner/s

Versus

1. The State Of Bihar Through The Secretary (Higher Education) Human Resource Development Department, Govt. Of Bihar, Patna
2. The A.N. Sinha Institute Of Social Studies Through The Director P.S. Gandhi Maidan, District- Patna
3. The Director A.N. Sinha Institute Of Social Studies, P.S.- Gandhi Maidan, District- Patna
4. The Registrar A.N. Sinha Institute Of Social Studies, P.S.- Gandhi Maidan, District- Patna
5. The Board Of Control Through The Chairman A.N. Sinha Institute Of Social Studies, P.S.- Gandhi Maidan, District- Patna

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Kripa Nand Jha, Adv.

For the A.N. Sinha Institute : Mr. Piyush Lall, Adv.

For the State : Mrs. Renu Jha, AC to SC-30

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 05-07-2016

Heard learned counsel for the petitioner and counsel for the State as also counsel for the A.N. Sinha Institute.

The petitioner is seeking compassionate appoint. The compassionate appointment cannot be treated to be mode or source of appointment in any organization. It is only an assistance given to the family whose bread earner has died in harness. The principle behind is that the family should get a bread earner to tide over the financial crisis. All posts cannot be reserved for compassionate appointment. In the present case, it appears that out of 34 non-teaching employee, 24 employees are Class-IV employee and out of 24 Class-IV employee, six employees have been

appointed on compassionate ground and the Board of Control has taken a decision that no appointment shall be made in future on compassionate ground in Class-III and Class-IV category. The ground has been assigned that the institute has already enough number of Class-III and Class-IV category of employees is reflected from Agenda No.1 of the Board of Control meeting. It also shows that the institute has taken decision, it will outsource various establishment, maintenance and development activities as more than 25% employee in Class-IV are from the compassionate appointment. In view of the Government circular, there cannot be any appointment more than 3%. Learned counsel for the A.N. Sinha Institute has placed reliance on the judgment of the Hon'ble Apex Court in the case of Umesh Kumar Nagpal Vs. State of Haryana & Ors. reported in 1994(4) SCC 138.

In such view of the matter, this Court cannot give a direction for appointment of petitioner on compassionate appointment.

This writ application is, accordingly, dismissed.

(Shivaji Pandey, J)

Rishi/-

AFR/NAFR	NAFR
CAV DATE	NA
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