

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.853 of 2016

1. Manish Kumar, S/o Madusudan Singh, R/o Vill- Narharpur, P.S.- Jandaha, Distt- Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar, through the Secretary, Department of Home, Govt. of Bihar, Patna
2. The Secretary, Department of Home, Govt. of Bihar, Patna
3. The Secretary, Personal & Administrative Reform Department, Govt. of Bihar at Patna.
4. The Directorate General of Police, Bihar, Patna.
5. The District Magistrate cum Chairman, District Compassionate Committee, Muzaffarpur at Muzaffarpur.
6. Superintendent of Police, Railway, Muzaffarpur.

.... Respondent/s

Appearance :

For the Petitioner/s : Mr P.K.Shahi, Sr. Advocate
Mr. Amresh Kumar Sinha

For the Respondent/s : Dr A.K.Upadhyay, SC 2
Mr Naresh Prasad, AC to SC 2

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 23-09-2016

Heard learned senior counsel for the petitioner and the counsel for the State.

Petitioner's father, who was an ASI, died in harness. He has left behind certain legal heirs. But when the petitioner applied for compassionate appointment before the respondents, the respondents have rejected his claim by a decision taken by the compassionate appointment committee, which is Annexure-8 to the writ application. The reason given for rejection of the claim of the petitioner is that the elder brother of the petitioner is well placed and is in government employment. This decision is now being challenged on the ground

that the elder brother is separated from the family by a partition. There are family obligations. Altogether there are seven family members and, therefore, the family should be treated in distress.

From the materials and pleadings available on record, the Court is satisfied that the claim for compassionate appointment is nothing but a ploy to find employment for unemployed sibling of the government servant and not a case of the family being in distress because of loss of the bread earner.

Compassionate appointment is not granted with the object of providing employment to unemployable and unemployed legal heirs of a government servant. The real purpose and object is whether by death of the bread earner the family cannot take care of itself.

The present case does not seem to fall in that category. The writ is dismissed. No interference is warranted with the decision so taken.

(Ajay Kumar Tripathi, J)

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AFR/NAFR	NAFR
CAV DATE	
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