

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No 10061 of 2014**

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Surendra Kumar Son of Late Panni Lal Resident of Mohalla - Uperdih, Nai Sadak,  
P.O. Chand Chaura, P.S. Civil Lines, District - Gaya

.... .... Petitioner/s

Versus

1. The Union of India through the Secretary Commissioner, Kendriye Vidayalya Sangathan 18, Institutional Area, Sahid Jeet Singh Marg, New Delhi 110016
2. The Deputy Commissioner (Admn.), Kendriye Vidayalya Sangathan 18, Institutional Area, Sahid Jeet Singh Marg, New Delhi 110016
3. The Assistant Commissioner, Kendriye Vidayalya Sangathan 18, Institutional Area, Sahid Jeet Singh Marg, New Delhi 110016
4. The Education Officer, Kendriye Vidayalya Sangathan 18, Institutional Area, Sahid Jeet Singh Marg, New Delhi 110016
5. The Education Officer Kendriya Vidayalya Sangathan, Regional Office Kankarbagh, P.O. Lohianagar, Patna 800020
6. The Principal, Kendriya Vidayalya Sangathan No. 1, Rajendra Memorial Building, Bageshwari Road, Gaya 823002

.... .... Respondent/s

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For the Petitioner/s : M/s Arvind Kr Singh & Suresh Singh, Advocates

For the Respondent/s : M/s G K Agrawal & K Ravish, Advocates

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**CORAM: HON'BLE MR JUSTICE HEMANT GUPTA**  
**&**  
**HON'BLE MR JUSTICE NAVANITI PRASAD SINGH**

**ORAL JUDGMENT**

**(Per: HONOURABLE MR JUSTICE HEMANT GUPTA)**

**Date: 04-03-2016**

Heard learned counsel for the petitioner and the Union of India.

**2** The challenge in the present writ application is to an order passed by the Central Administrative Tribunal, Patna Bench, Patna (for brevity, *the Tribunal*) on 09<sup>th</sup> of April, 2014 whereby, claim of the petitioner for compassionate appointment, remained unsuccessful.

**3** Father of the petitioner died in harness on 05.01.2003. The petitioner submitted his application on 27.01.2003

for appointment on compassionate ground but such candidature was rejected. Petitioner filed OA No 1026 of 2003 which was decided on 08<sup>th</sup> of December, 2003 with a direction to reconsider the case of the petitioner. The claim of the petitioner was again declined on 30<sup>th</sup> of December, 2003 on account of non-availability of the vacancy.

4 The petitioner filed another OA being OA No 829 of 2004. The same was decided with a direction to the respondents to consider the same treating it as representation. The representation of the petitioner was again rejected on 01.02.2005, inter alia, on the ground that the petitioner does not fulfill the required qualification as per the Recruitment Rules. It is, thereafter, that the petitioner filed another original application out of which the present writ application arises after almost nine years. The claim of the petitioner was declined way back in the year, 2005. Therefore, the petitioner cannot claim appointment in 2014. The claim is barred by limitation. Still further, the claim of the petitioner for appointment has been considered twice but the petitioner could not be appointed.

5 In view of the aforesaid, we do not find any error in the order of the Tribunal which warrants interference in the writ jurisdiction. This writ application is, thus, dismissed.

**(Hemant Gupta, J)**

**(Navaniti Prasad Singh, J)**

**M.E.H./-**

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