

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1764 of 2012

IN

Civil Writ Jurisdiction Case No. 9500 of 2008

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1. Naresh Kumar S/O Late Laxmi Ram R/O Mohalla- High Court Water Tower
Road No. 4, P.O.- G.P.O., Patna, P.S.-Kotwali, District-Patna

.... Appellant/s

Versus

1. The State Of Bihar Through The Secretary Urban Development, New
Secretariat, P.S.-Patna Secretary, District- Patna
2. The Administrator Patna Municipal Corporation And Patna Water Board, P.S.-
Kotwali, District-Patna
3. The Executive Officer Patna Water Board, P.S.-Kotwali, District- Patna

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. RAJENDRA KUMAR JAIN,ADVOCATE

For the Respondent/s : Mr. RANJEET KUMAR PANDEY,ADVOCATE

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CORAM: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH

and

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH)

Date: 18-03-2016

The present Appeal is directed against the judgment and
order dated 4-5-2011 passed by this Court in C.W.J.C.No. 9500 of
2008, whereby the writ petition filed by the appellant was dismissed.

2. We have heard the parties, and we have no reason to
entertain this Appeal. The writ petitioner-appellant sought
compassionate appointment on the ground that his father was in
Government employment in Grade-IV, and he died in harness. The
matter has not been considered by the State authorities, inasmuch it is
not in dispute that the writ petitioner's mother was also in

Government employment. The whole compassionate-appointment policy is for meeting an emergent requirement and support where the bread earner suddenly dies. Here, there is a mother of the writ petitioner-appellant, who is already in service. It has been repeatedly held by the Courts that compassionate appointment is not a source of appointment. It is a compassion shown upon the circumstances.

3. Reliance has been placed on the judgment of this Court in the case of Santosh Kumar Vs. State of Bihar[2013(1) P.L.J.R 454], a judgment of a learned Single Judge, to show that notwithstanding the fact that both the parents of a person were in Government service, compassionate appointment was given. We regret, we are unable to agree with this judgment. The law is well-settled. Therefore, that judgment is specifically overruled.

4. We, thus, find no merit in the Appeal. It is, accordingly, dismissed.

(Navaniti Prasad Singh, J)

(Nilu Agrawal, J)

B.K.Roy/-

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