

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.13569 of 2013

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Sanjay Paswan Son of Late Ramashray Dayal resident of village - Mustafapur
(Khapara), Police Station Nagarnausa, District – Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Health and Medical Services, Government of Bihar
2. The Director-in-Chief, Department of Health and Medical Services, Government of Bihar, Patna
3. The Assistant Director, Health Services (Filaria Control), Government of Bihar, Patna
4. The District Officer-cum-Chairman, District Compassionate Appointment Committee.

.... Respondent/s

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Appearance :

For the Petitioner/s : M/s Rajesh Kr. Singh and Anil Kumar Singh

For the Respondent/s : Shilpi Keshri, AC to AAG-X

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 21-11-2016

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

In this case, the petitioner is claiming the compassionate
appointment, which has been rejected on the ground that one of the
family members is in the Government service.

The counsel for the petitioner submits that before the
death of his father, elder brother of the petitioner, who is in service,
was living separately and there is a 1995 Circular of the Government
which provides that even if other family member is in Government
service, cannot be a ground for rejection of the claim of the petitioner.



The counsel for the State has objected the claim of the petitioner, stating that his one brother is in Government service so his family is no longer in penury or in financial distress. The basic principle is, in event of death of bread-earner, crisis arises in the family and in order to mitigate the financial distress the compassionate appointment is conferred to one of the family members. The compassionate appointment is not a source of appointment, it is basically meant to tide over the sudden financial crisis which arises on account of sudden demise of bread-earner and family is unable to carry the financial burden.

The similar issue has already been adjudicated by this Court elaborately in C.W.J.C. No. 10236 of 2013 (Vijay Kumar vs. State of Bihar and others) there the Court has dealt with the concept of the compassionate appointment and held that if any of family member is in service, rejection of application cannot be said to be not sound. This Court cannot deviate from the principle that has been decided by this Court, but the counsel for the petitioner submits that the Government has taken a decision in the year 1995 that merely a family is in Government service cannot be a ground for rejection of the claim of the petitioner.

The authority has to consider the case of the petitioner from different angles, one from the financial strength of the family

and second whether there is such Circular of the State Government, letter no 895 dated 18.2.1995 and whether that Circular covers the present case or not? These are the things have to be looked into and will be kept in mind that compassionate appointment is not the source of appointment.

This Court is not giving any opinion on the merit of the case. Let the authority consider the case of the petitioner in the light of aforesaid observation within a period of four months from the date of receipt or production of a copy of this order.

With the above observation/direction, this petition is disposed of.

(Shivaji Pandey, J)

Mahesh/-

AFR/NAFR	NAFR
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