

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12165 of 2011

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Pappu Kumar Pandey son of Late Parmanand Pandey resident of Village-
Nausa Math, P.O.- Banarsi Bigha, P.S.- Silao, Distt.- Nalanda At Present
Residing At Mohalla- Shant Nagar, P.O. + P.S.- Parbalpur, Distt.- Nalanda

.... Petitioner/s

Versus

1. The Union Of India Through The Director General Central Industrial Security Force, New Delhi
2. The Director General, Central Industrial Security Force, New Delhi
3. The Inspector General, Central Industrial Security Force, East Zone, Patna
4. The Assistant Inspector General, Central Industrial Security Force, East Zone Headquarters, Patna
5. The Deputy Inspector General, Central Industrial Security Force, East Zone Headquarters, Patna
6. The Senior Commandant, Central Industrial Security Force, P.P.T. Unit, Paradeep, Orissa
7. The Commandant, Central Industrial Security Force, P.P.T., Unit, Paradeep, Orissa
8. The Deputy Commandant, Central Industrial Security Force, P.P.L, Unit, Paradeep, Orissa
9. The Assistant Commandant, Central Industrial Security Force, East Zone Headquarters, Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha
For the Respondent/s : Mr. Anshuman Singh

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

5 03-03-2016 Heard Sri Ashok Kumar Jha, learned counsel for the

petitioner and Sri Anshuman Singh, learned Central Government

Counsel.

The petitioner invoking writ jurisdiction of this court
under Article 226 of the Constitution of India has filed the
present writ petition in the month of July 2011 with a prayer to

direct the respondents to appoint him on compassionate ground since the father of the petitioner, who according to the petitioner was 'Lans Nayak' in the Central Industrial Security Force and died in harness on 28.9.1997.

It has been admitted by learned counsel for the petitioner that on the date when the father of the petitioner died he was only 16 years old. However, within the fixed time mother of the petitioner filed application with request to appoint the petitioner on compassionate ground after the petitioner attained the age of his majority. However, his claim for appointment was not considered on the ground that petitioner was not having requisite qualification. The petitioner was having only Madhyama Degree which was not accepted by the respondents authority. It is the case of the petitioner that thereafter the petitioner produced certain relevant notifications of the State Government to show that Madhyama Degree was equivalent to Matriculation Certificate. However, the case of the petitioner was finally rejected on 5.12.2007. It was submitted by learned counsel for the petitioner that for the first time his application was rejected on 5.12.2007. He further submits that finally vide Annexure - 19 to the writ petition i.e. a communication dated 16.3.2010 the petitioner was again intimated regarding his non



eligibility for being appointed on compassionate ground and only thereafter the petitioner filed the present writ petition. Learned counsel for the petitioner submits that once the petitioner's application was filed within time fixed after attaining the age of majority the petitioner's case was not required to be rejected on the ground that Madhyama Certificate was not admissible. He submits that since the Madhyama Certificate is being treated equivalent to Matriculation Certificate it is a fit case for issuance of direction to the respondents to consider the case of the petitioner for his appointment on compassionate ground.

Sri Anshuman Singh, learned Central Government Counsel appearing on behalf of the respondents has opposed the prayer of the petitioner. He submits that the petitioner has made incorrect statement that for the first time his claim for appointment was rejected in the year 2007 whereas for the first time his claim was rejected in the year 2005. He further submits that in the Central Government Madhyama Certificate is not being treated equivalent to the Matriculation Certificate and as such in view of non availability of requisite qualification the petitioner was not at all entitled to be provided employment on compassionate ground. He further submits that death of the father of the petitioner had occurred long back in the year 1997 and as such it

would not be appropriate to pass any order for appointment in favour of the petitioner.

Besides hearing learned counsel for the parties I have also perused the material on record. It is a fact that father of the petitioner who was in C.I.S.F. and according to Sri Anshuman Singh, learned Central Government Counsel, he was a 'Constable' died long back in the year 1997 and on the date of his death the petitioner was only minor and accordingly at such belated stage certainly no order can be passed for appointing the petitioner on compassionate ground. Basically appointment on compassionate ground is exception to Article 14 and 16 of the Constitution of India. As exception moreover appointment on compassionate ground is being provided with a view to provide immediate financial assistance to the family of the deceased employee. As a matter of right such appointment may not be claimed. Moreover the petitioner's case was rejected long back in the year 2005 itself on the ground that he was not having requisite qualification. If in the Government of India Madhyama Certificate was not treated equivalent to Matriculation Certificate then certainly no direction can be issued to the respondents to treat Madhyama Certificate equivalent to Matriculation Certificate. Keeping in view the fact that death of the employee had occurred

long back in the year 1997 at this belated stage there is no need to examine the claim of the petitioner.

The writ petition stands dismissed.

(Rakesh Kumar, J)

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