

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.243 of 2014
Arising out of
Civil Writ Jurisdiction Case No. 6285 of 2008**

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Ram Kishore Verma, son of Late Ram Pravesh Verma, resident of Village-
Moriawan, Police Station- Bikram, District- Patna.

.... Petitioner- Appellant/s

Versus

1. The State of Bihar, through the Director-in-Chief Health Services, Govt. of Bihar Patna.
2. The Health Commissioner, Govt. of Bihar, Patna.
3. The Chairman, District Establishment Committee cum District Magistrate, Rohtas at Sasaram.
4. The Civil Surgeon-cum-Chief Medical Officer, Rohtas at Sasaram.
5. The In-Charge, Medical Officer, Primary Health Centre, Dehri, District- Rohtas at Sasaram.

.... Respondents- Respondent/s

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Appearance :

For the Appellant/s : Mr. Shailendra Kumar Jha, Advocate
For the Respondent/s : Mr. Amaresh Kumar Sinha, A.C. to G.P.9

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CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA

and

HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE HEMANT GUPTA)

Date: 19-07-2016

The order dated 22nd April, 2011 passed by the learned Single Bench is subject matter of challenge in the present Letters Patent Appeal.

The claim of the appellant for appointment on compassionate ground stands declined by the learned Single Bench relying upon a Division Bench judgment in the case of Anil Kumar Singh Versus The State of Bihar & Ors. 1993(1) PLJR 414.

The father of the appellant died on 28th March, 1982.



The appellant was four years of age at that time. He applied for appointment on compassionate ground after he became major in the year 1996. The appellant relied upon a Division Bench judgment of this Court in the case of Brajendra Prasad Poddar Vs. The State of Bihar & Ors., 1990 BBCJ 350 before the learned Single Judge in support of his contention that his claim for appointment on compassionate ground cannot be rejected as barred by limitation.

In the counter affidavit, the stand of the respondents is that Compassionate Appointment Committee in its meeting held on 25th August, 1990 rejected the claim of the appellant for appointment on compassionate ground for the reason that the application was received six years after the death of his father.

Learned Single Bench dismissed the writ petition relying upon the Division Bench judgment in Anil Kumar Singh's case (supra) wherein, the judgment in Brajendra Prasad Poddar' case (supra) has been considered and distinguished. Learned Single Bench found that the appellant has approached the Court after 26 years after the cause of action arose to the appellant and that he cannot be allowed to unnecessarily whip a dead horse by remaining under a false pretext that he would get appointment on compassionate ground.

We have heard learned counsel for the parties and find no merit in the present Letters Patent Appeal. The father of the



appellant died on 28th March, 1982. Even if he was minor, the appointment on compassionate ground could be sought by his mother. In terms of the Circular dated 12.07.1977, the application for appointment on compassionate ground was required to be filed within two years, but it was filed almost 14 years later and has rightly not been entertained.

The appointment on compassionate ground is given to meet the immediate financial distress. It is not a source of employment. After the death of his father, the family could survive to wait for attaining the age of majority by the appellant. It means that the family had sufficient funds to meet out the financial stringencies which the family might have suffered on account of sad demise of breadwinner.

We do not find that the claim of the appellant for appointment on compassionate ground can be considered after long lapse of time merely for the reason that he was minor on the date of death of his father.

We do not find any error in the order passed by the learned Single Bench which does not warrant interference in the present Letters Patent Appeal. The same is, therefore, dismissed.

(Hemant Gupta, J.)

(Ahsanuddin Amanullah, J.)

Sunil/-

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