

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.17412 of 2015

Mithilesh Kumar, Son of Late Keshav Prasad, Resident of village - Sarora, P.O. Agiryanwan, District - Buxar (Bihar), Presently Residing at Flat No. 38 - 39 - 89/2/8, Abhi's Enclave, Bapurji Nagar, Industrial Estate, Vishakhapatanam (A.P.)

.... Petitioner

Versus

1. Kendriya Vidyalaya Sangthan through its Chairman, 18 - Institutional Area, Sahid Jeet Singh Marg, New Delhi 110016
2. Joint Commissioner, Kendriya Vidyalaya Sangthan, 18 - Institutional Area, Sahid Jeet Singh Marg, New Delhi 110016
3. The Education Officer, Kendriya Vidyalaya Sangthan, 18 - Institutional Area, Sahid Jeet Singh Marg, New Delhi 110016
4. The Commissioner, Patna Region, Lohiya Nagar, Kankarbagh Patna - 20
5. The Principal, Kendriya Vidyalaya, Chopan

.... Respondents

Appearance :

For the Petitioner/s : Mrs. Asha Kumari
For the Respondent/s : Mr. Gopal Krishna Agrawal
Mr. Kumar Ravish

CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA

and

HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE HEMANT GUPTA)

Date: 24-06-2016

The challenge in the present writ petition is to an order dated 25th March, 2015 passed by the Central Administrative Tribunal, Patna Bench, Patna, whereby the claim of the petitioner for appointment on compassionate ground was not acceded to.

Shri Keshav Prasad, father of the petitioner, while working as Upper Division Clerk in Kendriya Vidyalaya Sangathan, died on 20th August, 2005. The petitioner submitted an application for appointment on compassionate ground but could not merit



appointment on account of limited vacancies available. As per reply filed by the respondents and as has been noticed by the Tribunal, that a High Level Committee of Kendriya Vidyalaya Sangathan considered for filling up 7 vacancies on compassionate ground on 5th March, 2008. In respect of 7 vacancies, the Committee considered the case of 115 candidates and only 7 candidates were given appointment. The petitioner could not make grade. Subsequently, on 23.07.2009, again the names of 123 candidates including the petitioner were considered but the petitioner could not merit appointment. The High Level Committee in its further meeting dated 13.05.2011 considered the case of 133 candidates and in that meeting the Committee resolved to consider only those cases where death of the deceased employee occurred in between 01.01.2009 to 12.05.2011. Since the father of the petitioner died in 2005, therefore, the petitioner could not be considered for appointment on compassionate ground.

Learned counsel for the petitioner refers to information obtained under the Right to Information Act to contend that there were vacancies in the years in question. However, the said information does not pertain to the vacancies fallen to the category of appointment on compassionate ground but deals with the vacancies which are otherwise may be available. The claim of the petitioner has to be considered amongst the vacancies meant for appointment on

compassionate ground. Since there were limited vacancies available and the petitioner could not merit appointment, he cannot be permitted to assert that he should have been appointed against any other available vacancies.

In view thereof, we do not find any merit in this writ petition which is accordingly dismissed.

(Hemant Gupta, J)

(Ahsanuddin Amanullah, J)

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