

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.310 of 2016
Arising out of
Civil Writ Jurisdiction Case No. 13616 of 2015

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Firoj Ansari, son of Late Abdul Rauf Ansari, Resident of Village - Maneri Bigha,
Post - Usri, P.S. - Mehandia, District - Arwal (Bihar).

.... Appellant/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Government of Bihar, Patna.
2. The Principal Secretary, Education Department, Government of Bihar, Patna.
3. The Secretary (Primary Education), Education Department, Government of Bihar, Patna.
4. The District Magistrate cum Chairman, District Compassionate Appointment Committee, Arwal, District - Arwal.
5. The District Education Officer, Arwal, District - Arwal.
6. The Block Education Officer, Kaler Block, District - Arwal.

.... Respondent/s

With

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Letters Patent Appeal No. 842 of 2016
Arising out of
Civil Writ Jurisdiction Case No. 11988 of 2014

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Md. Nessar Ahmad, Son of Late Md. Rauf Ansari, resident of village-
Maneribigaha, P.S. Mehandia, District- Arwal

.... Appellant/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, New Secretariat, Patna
2. The District Magistrate, Arwal
3. The District Superintendent of Education, Arwal
4. The District Education Officer, Arwal
5. Firoj Ansari, son of Late Abdul Rauf, resident of village- Maneribigaha, P.S. Mahandia, District- Arwal

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Ankit Katariar, Advocate
Mr. Shakib Ayaz, Advocate
For the State : Mr. Rishi Raj Sinha, SC-19



Mr. Avanindra Kumar Jha, AC to SC-19

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL JUDGMENT
(Per: HONOURABLE THE ACTING CHIEF JUSTICE)
Date: 07-02-2017

This order shall dispose of both the present Letters Patent Appeals arising out of a common order dated 04.11.2015 passed by a learned Single Bench of this Court.

The step sons of Late Abdul Rauf Ansari are seeking compassionate appointment after death of their father. The learned Single Bench has dismissed the writ application observing that compassionate appointment is not a fundamental or constitutional right. Since the family is not in a position to reconcile and resolve the dispute amongst themselves then who will take care of the dependents of the deceased.

We find that the findings recorded by the learned Single Bench cannot be said to be illegal in any manner.

The appointment on compassionate ground is given to mitigate the immediate financial hardships which a family may suffer on account of sudden demise of the bread winner. The two step brothers are not in a position to reconcile as to who should be appointed and then who will take care of the family. Obviously, compassionate appointment cannot be granted to any of them unless



disputes settled and that within a reasonable period. The delay in settling the disputes will in fact defeat the purpose of compassionate appointment.

In view thereof, we do not find any merit in the present Letters Patent Appeals. The same are, thus, dismissed.

(Hemant Gupta, ACJ)

S.Pandey/-

(Sudhir Singh, J)

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	13.02.2017
Transmission Date	

