

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2159 of 2016

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Nibha Kumari, Daughter of Late Nathuni Sah, wife of Ram Lakhan Sah, Resident of Mohalla- Ward No- 03, Nariyar Road, District- Saharsa.

.... Petitioner

Versus

1. The State of Bihar
2. The Commissioner, Health Department, Bihar, Patna.
3. The District Magistrate, Saharsa.
4. The Civil Surgeon cum Chief Medical Officer, Saharsa.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Kumar Goutam, Adv.

For the Respondent/s : Mr. Mrigendra Kumar, AC to GA-4

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 06-11-2017

Heard learned counsel for the parties.

The petitioner happens to be the daughter of the deceased Government employee, late Nathuni Sah, a Ward Attendant at Sadar Hospital, Saharsa, who died in harness on 13.8.2000. She prays for appointment on compassionate ground.

The facts on record would confirm that the widow of the deceased Government servant had prayed for compassionate appointment but her case was rejected on grounds that she did not fulfil the educational qualification for any such appointment. Feeling aggrieved she came before this Court in C.W.J.C.No. 11082/2007 but the writ petition was dismissed vide judgment and order passed on



7.4.2011 at Annexure 1. The opinion of the Writ Court was confirmed by the Division Bench in L.P.A.No. 1315/2011 which was dismissed on 26.9.2011 vide Annexure 1/A. At no stage and the widow of the deceased Government servant ever recommend for the candidature of this petitioner while contesting her rejection and it is four years after the claim of the widow was rejected by this Court that this petitioner, who is the married daughter of the deceased Government servant, has made a claim for such appointment, which has been rejected by the order impugned dated 5.12.2015 at Annexure 3 to the writ petition.

No doubt, under the guidelines issued by the General Administration Department, even the married daughters are now entitled for consideration in matters concerning compassionate appointment, but the consideration arises only if the widow recommends in her favour or has predeceased the Government employee. The guidelines on the issue are eloquent on the issue that the benefit of compassionate appointment is exclusively reserved for the widow of the deceased Government servant, who may either opt for herself or may recommend the candidature of any of her children. Such is not the case here, rather the widow having pursued and contested her rejection for such appointment before this Court, never ever prayed for any direction for consideration of the case of any of her children for such appointment.



In the circumstances, the prayer made in the writ petition is held not sustainable. The writ petition is dismissed.

(Jyoti Saran, J)

Surendra/-

AFR/NAFR	NAFR
CAV DATE	NA
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