

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8658 of 2016

- =====
1. Birendra Kumar, son of Late Suraj Thakur, resident of Village- Kasmar, P.O.- Kharika, P.S.- Sonapur, District- Saran.
 2. Rup Jhari Devi, W/o Late Suraj Thakur, resident of Village- Kasmar, P.O.- Kharika, P.S.- Sonapur, District- Saran.

.... Petitioner/s

Versus

1. The Union of India through the Director General Department of Posts, Dak Bhawan, Sansad Marg, New Delhi-110001.
2. The Chief Postmaster General, Bihar, Circle, Patna- 800001.
3. The Superintendent, R.M.S. 'U' Division, Muzaffarpur- 842001.
4. The Sub Record Officer, R.M.S. 'U' Division, Saran at Chapra.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rana Ishwar Chandra, Advocate
For the Respondent/s : Mr. Awadhesh Kumar Pandey, Advocate
Mr. Ravinder Kumar Sharma, CGC

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

and

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date: 04-02-2017

Heard counsel for the petitioners and the counsel for
the Union of India.

2. The prayer for a direction for appointment on compassionate ground has been rejected by the Tribunal vide order dated 01.03.2016 passed in O.A. No. 503 of 2015. There are primarily two reasons, one that the death of the sole bread-earner happened in the year 2004, therefore, the object of compassionate appointment has been lost so is the right as declared by the Hon'ble Apex Court in the case of **State of J & K and others vrs. Sajad Ahmed Mir**, reported



in **(2006) 5 SCC 766**. The other ground given is that the applicant, who is petitioner no.1, was holder of Madhyama degree from Bihar Sanskrit Siksha Board. The Tribunal has doubted that it is equivalent to matriculation as was being claimed.

3. Even if the second reason or objection is ignored, the first reason cannot be faulted. The writ has no merit. It is dismissed.

(Ajay Kumar Tripathi, J.)

(Nilu Agrawal, J.)

Arjun/-

AFR/NAFR	NAFR
CAV DATE	NA
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