

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.13967 of 2010

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Navin Kumar S/O Late Ajay Kumar Choudhary R/O Vill Kharauna Jai Ram,
P.O.Kharauna Dih, P.S.Kudhani, Distt-Muzaffarpur

.... Petitioner/s

Versus

1. The State Of Bihar
2. The District Compassionate Appointment Committee, Bhagalpur Through Its
Chairman The District Magistrate Bhagalpur, P.O., P.S. & Distt-Bhagalpur
3. The District Magistrate Bhagalpur
4. The Deputy Collector-In-Charge Establishment Bhagalpur, P.O., P.S. & Distt-
Bhagalpur
5. The Excise Superintendent Bhagalpur, P.O., P.S. & Distt-Bhagalpur

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Krishna Kant Singh, Adv.

For the Respondent/s : Mr. Lokesh Kumar Singh, AC to AAG-13

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 29-11-2017

Heard learned counsel for the petitioner and counsel for
the State.

In this case, the petitioner is challenging the decision of
the District Appointment Committee vide Memo No. 153 dated
20.4.2006, whereby and whereunder, the claim for appointment of the
petitioner has been rejected on the ground that the brother of the
petitioner is employed in the Air Force. The petitioner has also
challenged the Memo No. 945 dated 6.9.2006 issued under the seal
and signature of the Excise Superintendent, Bhagalpur, whereby, the
claim for compassionate appointment of the petitioner has been
rejected.



The father of the petitioner was working as a Constable under the Excise Department. He died in harness on 26.2.2004 whereafter the petitioner applied for compassionate appointment, attached necessary documents and whatever the defects were pointed out, he removed the same by supplying the material. He has also filed Non-employment Certificate issued by the Circle Officer.

Though the petitioner is not in service but, one of his brother is employed in Air Force living separately prior to the death of his father. The District Compassionate Appointment Committee has considered the case of the petitioner and finally arrived to a finding that this is not a fit case to give an employment to the petitioner on compassionate ground and, ultimately, the impugned order has been passed against the petitioner holding that he is not entitled to any relief of compassionate appointment.

Learned counsel for the petitioner submits that his brother is living separately during the life time of his father and the family is facing great hardship, the ground, which has been taken by the District Compassionate Appointment Committee, is not sustainable, warrant interference whereas the learned counsel for the State has submitted that his brother is in the service, the question of financial disadvantage does not arise and basically the compassionate appointment is given to the family to meet the adversity that has taken



place on account of sudden death of the bread earner.

Having considered the rival conditions of the parties, the compassionate appointment is not given to an individual but is given to the dependent of the bread earner and, that too, if the family is penury, is unable to arrange two time meals a day but, if one of the family member is employed itself is sufficient to reject the claim of compassionate appointment as the compassionate appointment is not a source of employment but, is given in a certain exigency when the family should not be left to the penury and poverty.

In that view of the matter, this Court does not find any error in the decision making process of the respondent. Accordingly, this writ application is dismissed.

(Shivaji Pandey, J)

Rishi/-

AFR/NAFR	NAFR
CAV DATE	NA
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