

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.263 of 2015

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Md. Asif Ali son of Late Saiyad Kaifulwara resident of village- Kharsanda, PS-
Hussainganj, PO- Hussainganj, District- Siwan

.... Petitioner/s

Versus

1. The State of Bihar
2. The Director General of Police, Police Department, Government of Bihar, Patna
3. The Inspector General of Police, Bhagalpur
4. The Deputy Inspector General of Police, Bhagalpur
5. The Superintendent of Police, Bhagalpur
6. The Chairman, District Compassionate Committee, Bhagalpur
7. The Sergeant Major, Police Line, Bhagalpur

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ravindra Kr Sinha No.2

For the Respondent/s : Mr. Sajid Salim Khan

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR

ORAL JUDGMENT

Date: 14-02-2017

Heard Sri Ravindra Kumar Sinha No. 2, learned counsel
for the petitioner and Mr. Sajid Salim Khan , learned SC No. 25.

The petitioner, has approached this Court under Article 226
of the Constitution of India, with a prayer to issue writ of mandamus
commanding the respondents to issue appointment letter in his favour
on compassionate ground. A claim has been made that father of the
petitioner was Constable in Police Department and he left for
heavenly abode on 29.7.2003 while he was in service. It is not in
dispute that on the date of death petitioner was minor. It has been
submitted by learned counsel for the petitioner that in the year 2011



petitioner passed Matriculation Examination and thereafter he applied for appointment on compassionate ground. It has been indicated that after death of his father petitioner was appointed as Child Constable vide Annexure ‘1’ to the writ petition. Appointment as Child Constable was not on the ground of compassionate appointment. It is a fact that much after five years from the date of death of father of the petitioner in the year 2011 petitioner had applied.

The court is of the opinion that compassionate appointment is itself an exception to Article 14 and 16 of the Constitution of India and it is being provided mainly with an object to provide immediate financial assistance to the family of the bereaved employee. Since death had occurred in the year 2003 and petitioner after obtaining certificate of Matriculation had applied in the year 2011 after attaining majority, the court is of the opinion that in such stale matter no order can be passed for directing for compassionate appointment.

The writ petition stands dismissed.

(Rakesh Kumar, J)

Praful/-

AFR/NAFR	NAFR
CAV DATE	NA
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