

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1202 of 2013

IN

Civil Writ Jurisdiction Case No. 12943 of 2013

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Purushotam Kumar Singh Son Of Late Bashistha Narayan Singh Resident Of Village- Dhamani, P.S- Kasma, District- Aurangabad, Bihar At Presently Posted As Peon In Office Of District Programme Officer-Cum-National Education Movement, Aurangabad, (Bihar).

.... Appellant

Versus

1. The State of Bihar through its Principal Secretary, Human Resources Deptt. Govt. Of Bihar
2. The District Magistrate-Cum-Chairman, District Compassionate Appointment Committee, Aurangabad (Bihar)
3. The Regional Dy. Director Of Education, Magadh Division, Gaya
4. The District Superintendent Of Education, Aurangabad, Bihar
5. The District Education Officer, Aurangabad, Bihar
6. The Block Education Extension Officer, Rafiganj (North), Aurangabad, Bihar

.... Respondents

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Appearance :

For the Appellant : Mr. Ram Chandra Pd. Bharti, Advocate
For the State : Mr. Sunil Kr. Mandal, SC3
Mr. Bipin Kumar, AC to SC3

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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: 17-01-2017

The writ application of the appellant was dismissed on the ground that there cannot be compassion within compassion.

2. Appellant was appointed on compassionate ground on 25.06.2001 on a Class IV post, after death of his father on 12.01.2001. He worked on that post for 7½ years and thereafter decided to move the High Court that he should be given appointment on a Class III post and not on a Class IV post.



3. The learned Single Judge rejected such a claim on the ground that there cannot be compassion within compassion or there cannot be an endless compassion as is the terminology used by the Hon'ble Supreme Court in the case of *State of Rajasthan vs. Umrao Singh*, reported in (1994) 6 SCC 560.

4. The acceptance by the appellant to the opening on a Class IV post on compassionate ground, by itself defeats his right especially when he accepted the post without any demur and as an after thought is looking for some kind of parity now.

5. The order does not suffer from any illegality. Appeal is dismissed being devoid of merit.

(Ajay Kumar Tripathi, J.)

(Nilu Agrawal, J.)

S.Kumar/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	19.1.2017
Transmission Date	NA

