

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1697 of 2015

IN

Civil Writ Jurisdiction Case No. 9388 of 2015

=====

Uma Thakur, Widow of Late V.K. Thakur, resident of C/o Mahesh Prasad Singh,
Darpan Dresses, Shyam Market, Mokama, P.S. Mokama, District - Patna

.... Petitioner / Appellant

Versus

1. The Union of India through Secretary (Home) New Delhi
2. The Director General of Police, Central Industrial Security Force, Head Quarter,
13 CGO's Compound Lodhi Road, New Delhi
3. The Inspector General of Police, C.I.S.F., East Zone Head Quarter, Patna
4. The Assistant Commandant, C.I.S.F., East Zone Head Quarter, Patna

.... Respondents / Respondents.

=====

Appearance:

For the Appellant/s : Mr. Mukesh Kumar, Advocate.

For the Respondent/s : Mr. S.D. Sanjay, Addl. S.G. with
Mr. Akshay Bahadur Mathur, CGC.

=====

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date: 31-08-2017

Heard learned counsel for the appellant and learned
Additional Solicitor General for the Union of India.

2. It is not a case where the claim for compassionate
appointment was not considered by the respondents but since the
compassionate appointment is not a constitutional right and such
appointment can only accrue within the framework of the policy. The
appellant was invited, was allowed to undergo a procedure and having
failed to fulfill the eligibility, she cannot demand that because it is a
case of compassionate appointment there is a mandate to give an



opening or appointment under the respondents.

3. Even though the factum of delay, which also went into dismissal of the Writ Application, is ignored, it makes no difference to the sum and essence of the conclusion that the appellant has no right to be appointed as a matter of course but since she failed to earn the minimum eligibility that was the primary reason why compassionate appointment was refused.

4. Appeal has no merit. It is dismissed.

(Ajay Kumar Tripathi, J)

(Rajeev Ranjan Prasad, J)

Dilip, AR

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	04.09.2017
Transmission Date	N/A

