

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1382 of 2014

IN

Civil Writ Jurisdiction Case No. 20171 of 2013

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Subodh Kumar Tiwary Son of Late Shri Ram Tiwary (Assistant Sub-Inspector),
resident of Village – Mathurapur, P.O. – Nawada Ben, P.S. – Jagdishpur, District -
Bhojpur

.... Appellant/s

Versus

1. The State of Bihar through the District Magistrate, Madhubani
2. District Compassionate Appointment Committee, Madhubani through its
chairman, District Magistrate, Madhubani
3. The District Magistrate, Madhubani
4. Inspector General of Police, Darbhanga
5. Additional Inspector General of Police (Welfare), Bihar, Patna
6. Superintendent of Police, Madhubani
7. Deputy Collector, Establishment, Madhubani

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Jai Shankar Pathak

For the Respondent/s : Mr. Dhurjati Kr Prasad

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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: 28-04-2017

Heard learned counsels for the parties.

The writ application of the appellant was
dismissed on 16.07.2014. The Learned Single Judge
refused to interfere with the decision of the respondent-
State authorities, who rejected the claim of the appellant
for compassionate appointment not once but twice over.
The primary reason why the claim of such compassionate
appointment was rejected is that the brother of the present
appellant is already a Central Government employee and



merely because he has sworn an affidavit and said that he has nothing to do with the family or the brother, it does not mean that the State becomes obliged to provide employment to all such members of the family, who are distressed due to unemployment by making death of the sole bread-earner as an excuse. If the other bread-earners are not willing to take care of the family, the obligation cannot be saddled upon the State-authorities to provide employment to otherwise unemployed or unemployable children of a government servant, especially when compassionate appointment is not a fundamental right or a constitutional right under Article 14 and 16 of the Constitution of India.

The Court cannot be unmindful of the fact that wherever there is an employed family member in a family, invariably affidavits are produced to show separation. But, that is a sham, because such affidavits have no judicial value, unless separation is by judicial means.

The whole effort on the part of the appellant is to get employment, because he is unemployed and his brother is employed.

On contrary, counsel for the State has placed reliance on a decision of a Division Bench,



rendered in the case of *Vishal Kumar versus The State of Bihar and others, reported in 2004 (2) PLJR 453.*

In view of the above, no interference is warranted with the order of the Learned Single Judge. Appeal is dismissed.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

SKM/-

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