

THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1287 of 2014

IN

Civil Writ Jurisdiction Case No. 15044 of 2012

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Ashitosh Kumar Majumdar S/o late Samiran Majumdar Resident of village -
Ramnagar, P.O. + P.S. Ramnagar, District - West Champaran at Bettiah

.... Appellant/s

Versus

1. The State of Bihar
2. The Principal Secretary, Department of Health, Govt. of Bihar, Patna
3. The Principal Secretary, General Administration Department Government of Bihar, Patna
4. The Director in Chief, Health Services, Govt. of Bihar, Patna
5. The District Magistrate, West Champaran
6. The Civil Surgeon, District West Champaran

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Mahendra Thakur

For the Respondent/s : Mr. GA9- Anil Kumar Sinha

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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: 24-04-2017

Heard learned counsels for the parties.

Compassionate appointment is not guaranteed under the Constitution of India, but is provided in violation of Article 14 and 16 of the Constitution of India, coupled with the fact that compassionate appointment is allowed to a family to take care of its financial needs, because of the death of the bread-earner.

In the present case, both father and mother were government servants. Therefore, the family, being in distress, because of the death of sole bread-earner could not have been the



reason why compassionate appointment should have been given to the appellant in the very first place. However, if there was omission and there was discovery of the above fact later on, then withdrawal of the order of such appointment in the given situation is not an arbitrary decision, especially when no fundamental right to hold that post under compassionate appointment category exists in favour of the appellant.

Appeal has no merit, it is dismissed.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

SKM/-

AFR/NAFR	N.A.F.R.
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