IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9146 of 2017

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Manoj Kumar Thakur, Son of Late Shobhit Thakur, R/o Village – Mohammadpur, P.S. Sadar, District Darbhanga

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Public Health Engineering Department, Govt. of Bihar, Patna.
2. The Commissioner & Secretary, Department of Public Health Engineering Department, Govt. of Bihar, Patna.
3. The Chief Engineer (Mechanical), Public Health Engineering Department, Govt. of Bihar, Patna.
4. The Superintending Engineer, Public Health Engineering Department, Anchal Muzaffarpur.
5. The Executive Engineer, Public Health Engineering, Darbhanga Division, Darbhanga.

.... Respondent/s

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Appearance:
For the Petitioner/s : None.
For the Respondent/s : None.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

Date: 05-07-2017

Neither the learned counsel for the petitioner nor the learned counsel for the State is present even though the matter once passed over has been called out again at the rising time of the Court.

The present Writ Application has been filed for quashing of the letter vide Memo No. 3/Anu-107/04-870 dated 13.11.2008 (Annexure-12) issued under the signature of the Chief Engineer, Public Health Engineering Department, Government of Bihar originally addressed to the Executive Engineer, Public Health Mechanical Division, Darbhanga whereby the Chief Engineer has

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communicated the Executive Engineer that late Shobhit Thakur, Khalasi in Darbhanga Division was working as a daily wager at the time of his death, therefore, under the guidelines of the General and Administrative Reforms Department, Govt. of Bihar, his wife cannot be given the benefit of compassionate appointment.

The petitioner at this stage claims that his father was one of the petitioners in CWJC No. 11364/2002 whereunder cases of regularization of the daily wagers working in the PHED were under consideration but because of the death of his father on 25.08.2004, the Three-member Committee, which was formed later on by virtue of the Hon'ble Court's order to examine the cases of the daily wagers for regularization, could not examine the case of the father of the petitioner. The petitioner admits that the claim of his father could not be taken into consideration and his services could not be regularized. The petitioner states that there is no earning member in the family of late Shobhit Thakur, as such, his son, the petitioner, may be appointed to any Class III or IV post as per his qualification.

The reliefs prayed for in the present application are limited to appointment of the petitioner on compassionate ground. It is not the case of the petitioner that the letter, as contained in Annexure 12, was not within the knowledge of the present petitioner or his mother. There is no explanation for moving this Court after a period

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of nine years from the date of rejection of the claim of the mother of the petitioner for appointment on compassionate ground. Late Shobhit Thakur died in the year 2004; after more than 13 years from the date of his death and after nine years from the date of rejection of the application of the mother of the petitioner for compassionate appointment, the present Writ Application has been filed by this petitioner now claiming that he could be appointed on compassionate ground. The difficulty because of which his mother could not get appointment on compassionate ground has not been understood by the petitioner.

It is well settled that compassionate appointment is not a mode of recruitment, rather it is a backdoor entry and is resorted to sometime in order to meet the necessities of the family of a deceased employee who dies all of a sudden leaving his dependants in a penury condition. The direction, as prayed for, cannot be issued by this Court after such a huge delay and also for the reasons already discussed in Annexure-12 to the Writ Application.

The Writ Application has thus no merit and the same is dismissed.

(Rajeev Ranjan Prasad, J)

Dilip, AR

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	10.07.2017

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