

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1524 of 2016

IN

Civil Writ Jurisdiction Case No. 7899 of 2014

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Ravi Ranjan Roy, Son of Late Ramdeo Prasad Yadav, Resident of Chhotti
Kelabari, P.S. Kotwali, District - Munger

.... Appellant/s

Versus

1. The State of Bihar
2. The District Compassionate Committee, Munger through the Chairman, District
Munger
3. The District Magistrate, Munger Cum Chairman, District Compassionate
Committee, Munger District Munger
4. The Deputy Development officer - Cum - Secretary, District Compassionate
Committee, Munger, District Munger
5. The Civil Surgeon, Munger
6. The District Programme officer (Establishment), Munger, District Munger

.... Respondent/s

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Appearance:

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

For the Respondent/s : Mr. Anjani Kumar, AAG 4.

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD)

Date: 28-03-2018

Challenging the impugned judgment dated 10.05.2016
passed in CWJC No. 7899 of 2014 the petitioner has preferred this
intra-court appeal under Clause 10 of the Letters Patent.

2. The grievance of the petitioner is that while his case for
compassionate appointment was considered and approved against a
Class IV post, similar others who had similar qualification of
Intermediate were provided appointment on compassionate ground



against Class III posts.

3. The facts as appearing from the records would show that the father of the petitioner was working as a Film Operator-cum-Driver in the Office of the District Mass Media and Extension Officer, Munger when he died in harness, sometime in the year 2005. The petitioner made an application for his appointment on compassionate ground; however, his claim for compassionate appointment was rejected by the District Compassionate Appointment Committee in its meeting held on 30.08.2007. The petitioner moved this Court in CWJC No. 11256 of 2008 and this Court directed him to file another petition for compassionate appointment.

4. In the light of the order passed by this Court in the aforesaid Writ Petition, the District Compassionate Appointment Committee once again considered the case of the petitioner for appointment on compassionate ground on 17.07.2012. A copy of the minutes of the meeting dated 17.07.2012 has been brought on record by way of Annexure-B to the Counter Affidavit filed on behalf of respondents no. 3 to 6. Pursuant to the said consideration, the petitioner was appointed vide Memo No. 1338 dated 21.09.2012 as contained in Annexure-C to the Counter Affidavit filed on behalf of the aforesaid respondents.

5. After the appointment against a Class IV post, the



petitioner started agitating his grievance that while other candidates having similar qualification of Intermediate were adjusted against Class III posts the petitioner has been adjusted against a Class IV post which, according to him, is a case of discrimination.

6. The learned Writ Court rejected the Writ Petition (CWJC No. 7899/2014) holding that the grievance of the petitioner cannot be tested on the touchstone of Articles 14 & 16 of the Constitution of India and his claim for upgradation from a Class IV post to a Class III post, merely because he is Intermediate pass, cannot be allowed to be entertained keeping in mind that the petitioner was appointed showing compassion pursuant to the order of this Court and in the light of the recommendation of the District Compassionate Appointment Committee.

7. Learned counsel representing the petitioner in appeal before us once again contended that it is a case of hostile discrimination because the persons having similar qualification have been adjusted against Class III posts.

8. Mr. Anjani Kumar, learned Additional Advocate General IV submits that a bare perusal of Annexure-B to the Counter Affidavit would show that the District Compassionate Appointment Committee, in its meeting held on 17.07.2012, considered all aspects of the matter for purpose of providing compassionate appointment to



the petitioner. The Committee also found that the deceased employee had two wives and his second wife was also employed as A.N.M. in the Sadar Hospital.

9. We have gone through Annexure-B which is the minutes dated 17.07.2012 of the District Compassionate Appointment Committee. The recommendation of the District Compassionate Appointment Committee is not under challenge. We agree with the view taken by the learned Writ Court that in the matter of compassionate appointment, in the given facts of the case, the claim of the petitioner for upgradation from a Class IV post to a Class III post cannot be considered on the touchstone of Articles 14 & 16 of the Constitution of India.

10. We do not find any merit in the contention of the appellant.

11. The Appeal has no merit. It is accordingly dismissed.

(Rajendra Menon, CJ)

(Rajeev Ranjan Prasad, J)

Dilip, AR

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