

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.2237 of 2016

In

Civil Writ Jurisdiction Case No.16623 of 2014

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1. Pramila Devi, wife of Late Ganesh Chandra Mandal
 2. Shambhu Nath Mandal, Son of Late Ganesh Chandra Mandal.
Both Resident of Village- Chanan Tirwadih, Post Office-
Chanan, Police Station- Borio, District- Sahebganj.

... .. Appellant/s

Versus

1. The State of Bihar through Secretary of Home and Police Department,
Government of Bihar.
2. The Director General of Police, Bihar, Patna.
3. The Collector (District Magistrate), Bhagalpur
4. The Deputy Director General of Police, Bhagalpur (Eastern Zone).
5. The Inspector General of Police, Bhagalpur.
6. The Superintendent of Police (S.P.), Bhagalpur.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sandeep Patil, Advocate

For the Respondent/s : Mr. Prabhat Kumar Verma-AAG3

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 19-02-2018

Delay of 77 days in filing of this appeal is



condoned. I.A. No. 9496 of 2016 stands allowed and disposed of.

In the matter of grant of compassionate appointment to Petitioner No. 2 after death of his father in the year 2002 the claim has been rejected by the learned Writ Court on consideration of the fact that looking to the period, the object and the purpose of compassionate appointment, no indulgence can be made. Father of Petitioner No. 2 was working in the Police Department and while on leave and not on duty in a private dispute he was done to death in the year 2002. Claiming compassionate appointment, the appeal was filed and the same having been rejected by the Director General of Police, the matter came to this Court and this Court found that in the facts and circumstances, the benefit of compassionate appointment cannot be granted to the petitioner.

We are of the considered view that in doing so the learned Writ Court has not committed any error. Compassionate appointment is not a normal mode of recruitment. It is a recruitment, de hors the requirement of Article 14 of the Constitution and is done on the basis of specific schemes and policies laid down by the State Government and in this case on account of death of petitioner's father in a private dispute, not



arising out of his official duties, as there is no provision for grant of compassionate appointment and if considering all these factors and the fact that petitioner’s father had died way back in the year 2002, the learned Writ Court has not made any indulgence, we see no error in the same warranting reconsideration. The Letters Patent Appeal stands disposed of.

(Rajendra Menon, CJ)

(Rajeev Ranjan Prasad, J)

P.K.P./-

AFR/NAFR	N.A.F.R.
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