

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3421 of 2016

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Mukesh Kumar, Son of Late Jhkashi Paswan, Resident of village - Raghapur,
Police Station- Nathnagar, District – Bhagalpur.

.... Petitioner/s

Versus

1. The Union of India.
2. The Secretary, Home Ministry, Government of India, New Delhi.
3. The Director General, Central Industry Security Force (C.I.S.F.) East Zone,
Head Quarter, Patna.
4. The Assistant Director General Central Industrial Security Force (C.I.S.F.)
East Zone, Head Quarter, Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Diwakar Yadav Adv.
For the Respondent/s : Mr. S.D. Sanjay (Addl. Soc. Gen.)
Mr. Rajesh Kumar Verma, CGC

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 02-02-2018

Heard Mr. Diwakar Yadav, learned counsel appearing for the petitioner and Mr. S.D. Sanjay, learned Additional Solicitor General for the Union of India who appears with Mr. Rajesh Kumar Verma, learned Central Government Counsel.

The petitioner prays for an appropriate direction to the respondent authorities to appoint him on compassionate ground consequent upon the death of his father in harness on 5.10.2006 while discharging the duties of HC/GD in Central Industrial Security Force.

While it is the argument of Mr. Yadav, learned counsel appearing for the petitioner that although this petitioner has been subjected to a number of tests for the purpose of appointment on compassionate ground but while in some test he was declared failed, the



result of some was never communicated to the petitioner. He thus submits that the very scheme of the compassionate appointment is defeated by the conduct of the respondents who have ensured that this petitioner be not accorded the facility of compassionate appointment.

Contesting the argument of Mr. Yadav it is the submission of Mr. S.D. Sanjay, learned Additional Solicitor General in reference to the scheme of the compassionate appointment as prevalent in the Central Industrial Security Force at Annexure R/1 to the counter affidavit that the procedure following by the Central Industrial Security Force for such appointment is clearly explained and while the candidates coming under the general category are granted 3 attempts to such appointment, the candidates under the reserved category are given an additional attempt. He next in reference to paragraphs 16 to 18 of the counter affidavit submits that while the petitioner failed to clear the trade test which was held on 27.11.2007 and the call letter and the result of which is placed at Annexures R/2 and R/3 respectively, the petitioner was given a second chance in the selection held on 5.5.2008 through call letter dated 08.4.2008 at Annexure R/4 but he did not choose to participate in the recruitment process and was marked 'absent'. It is submitted that the petitioner was called for a 3rd time for attending recruitment process through dated 15.7.2010 which was to be held on 24.8.2010 vide Annexure R/6. It is stated that the petitioner participated but failed in the one mile race which is a mandatory pre-requisite for such selection and the result of which is at Annexure R/7. He submits that a 4th attempt was



given to the petitioner on 20.12.2010 for the test to be held on 20.1.2011 vide Annexure R/8 but again the petitioner failed to qualify in one mile race, the result of which is at Annexure R/9. It is informed that although the petitioner was entitled to only four chances for such appointment but he was given an extra indulgence through call letter dated 25.4.2011 at Annexure 10 but the petitioner failed to respond to the notice. It is thus the submission of Mr. Sanjay that despite indulgence given by the respondents to the petitioner for such appointment, while he failed on three occasions, on two occasions he did not participate.

The counter affidavit was served on the petitioner as back as in April, 2017 and a period of almost 9 months has since passed but the statements made have not been contested.

In the circumstances discussed, the claim of the petitioner does not warrant indulgence.

The writ petition is disposed of.

(Jyoti Saran, J)

SKPathak/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	17-02-2018
Transmission Date	NA

