

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1377 of 2015

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Rakesh Ranjan Gupta, S/o late Shailendra Prasad Azad, R/o Village Singhiya,
Makhanpur, P.S. Gopalpur, District- Bhagalpur.

.... Petitioner/s

Versus

- 1.The State of Bihar through Principal Secretary, Human Resources, Govt. of Bihar, Patna.
- 2.The Director, Primary Education, Govt. of Bihar, Patna.
- 3.The District Magistrate, Purnia, District-Patna.
- 4.The District Magistrate Cum Chairman of the District Compassionate Committee, District- Purnia.
5. The District Education Officer, Purnia, District- Purnia.
6. The District Programme Officer(Est.), Purnia, District- Purnia.

.... Respondent/s

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Appearance :

For the Petitioner/s :

For the Respondent/s :

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 06-08-2018

Heard learned counsel for the petitioner and State.

The petitioner had moved the Court for the following
reliefs:

*“ That this writ application is being filed for
issuance of writ in the nature of mandamus for
direction to the respondents considered the
case of the petitioner for appointment on the
basis of the recommendation made by the
District Establishment Committee, said
recommendation has been made, on the basis
eligibility test examination for appointment in
the Class III post, thereafter as per direction
and recommendation appointing authority*



issued appointment letter in the name of the petitioner in the Class III post by a letter dt. 01.06.2006 but no appointment in class 3rd post rather directed to the petitioner to submit joining on the post of Block Teacher, which is not a Class III post and further issued direction to respondents issued appointment letter in pursuance of the decision of the compassionate committee and further give other legal and consequential benefit to petitioner.”

3. The father of the petitioner was working as Assistant Teacher in Primary School, Ajakupa, Birauli in the district of Purnea when he died in harness on 23.11.2003. After applying for appointment on compassionate ground, ultimately the petitioner was appointed as Block Teacher on 18.02.2006 where he joined on 22.12.2006. After working on the post for more than eight years, he approached the Court with a prayer that he may be appointed on Class III post.

4. Without going into the merits of the matter, the Court would only observe that compassionate appointment being a matter of policy and grace, which is against the constitutional requirement of employment in public service, only after satisfying the requirement of Article 14 of the Constitution of India, cannot be claimed as a matter



of right. Moreover, once the petitioner had accepted the appointment offered to him, and now assailing the same after having worked for eight years, in the considered opinion of the Court, would disentitle him from any consideration on merits.

5. In view thereof, the writ petition stands dismissed.

(Ahsanuddin Amanullah, J)

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