

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.663 of 2018

In
Civil Writ Jurisdiction Case No.20380 of 2016

Pragati Kumar Prabhakar son of late Suresh Mishra, resident of village-Karnpura, PS-Mahua, District-Vaishali.

... .. Appellant/s

Versus

1. The State of Bihar through Principal Secretary, Water Resources Department, Bihar, Patna.
2. The Chief Engineer, Central Rupankan and Research Office, Water Resources Department, Water Resources Bhawan, Anishabad, Patna.
3. Superintending Engineer, Flood Control Rupankan Anchal, Patna.
4. Executive Engineer, Flood Control Rupankan Division-4, Anishabad, Patna
5. Assistant Engineer-cum-Drawing and Disbursing Officer, Patna
6. District Magistrate-cum-Chairman, District Comlpssionate Committee, Patna.
7. Circle Officer, Rajapakar Anchal, Vaishali.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Md.Imteyaz Ahmad, Adv.
For the Respondent/s : Mr.Anjani Kumar -AAG 4

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
and
HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE SHIVAJI PANDEY)

5 06-02-2020 Heard learned counsel for the appellant and learned counsel for the State.

In this case, the petitioner is claiming appointment on compassionate ground. The learned single Judge has refused to grant the relief on the ground that the widow had never claimed compassionate appointment nor while waiving her claim had suggested for the petitioner rather continued to work as an Anganwari Sevika.



During discussion, it transpires that the mother of the appellant is working as Anganwari Sevika and his brother is in government service.

The basic purpose of the compassionate appointment is to grant the benefit to the family of deceased employee, in the event of premature death of bread earner, to mitigate the financial crunch as they should not be coerced to remain in penury. The compassionate appointment is not a source of employment, but by way of solace given to the family of deceased employee and it cannot be claimed by right for an appointment, but only makes a personal entitlement. Reliance can be placed on the judgment reported in **(1994) 4 SCC 138, *Umesh Kumar Nagpal vs. State of Haryana and others.***

In such view of the matter, we do not find any error in the order of the learned single Judge, as the petitioner could not make out a claim for compassionate appointment.

Accordingly, this appeal is dismissed.

(Shivaji Pandey, J)

(Anjani Kumar Sharan, J)

Mahesh/-

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