

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.662 of 2020

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Ranju Devi D/o Late Shriram Prasad W/o Ram Babu Singh, Resident of Raja Bazar, Body Builder Gali, Sheikhpura, P.O.- B.V. College, P.S.- Hawaii Adda, District- Patna-800014

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Road Construction, Govt. of Bihar, Patna
2. The Under Secretary Department of Road Construction, Govt. of Bihar, Patna
3. Chief Engineer Department of Road Construction, Patna
4. Special Work Officer Road Construction Department, Bihar, Patna
5. District Magistrate Patna, Bihar

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Apurva Kumar
For the Respondent/s : Mr. Rajeeva Shekhar, AC to (Ga13)

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 03-03-2020 Heard learned Counsel for the petitioner and the learned Counsel for the respondent State.

Being a married daughter petitioner claims compassionate appointment on account of death of her mother in harness while serving as a Peon in the Road Construction Department.

The claim of the petitioner has been rejected by the respondent authorities by a communication dated 25.9.2019. Referring to the circular dated 10.12.2014 bearing memo No. 16973 issued by the General Administration Department, the petitioner's claim has been rejected as she is not one of the legal heirs classified for the purpose of being granted benefit of compassionate appointment.

It is clearly stated that married daughter cannot sustain the claim for compassionate appointment as she is not



one of the legal heirs entitled to such benefits of circular of the General Administrative Department. The circular clearly contemplates such a bar and therefore the petitioner cannot be permitted to invoke Article 226 of the Constitution of India as she has no enforceable right for compassionate appointment, only if the petitioner had a right for such consideration in terms of the scheme for compassionate appointment, could she maintain a case for grant of such benefit.

In view of the circular dated 10.12.2014 the claim of the petitioner is barred. There is no occasion for this court for exercising jurisdiction under Article 226 of the Constitution of India.

The writ petition is devoid of merit and the same is dismissed.

Counsel for the petitioner submits that the petitioner is a legal nominee in respect of terminal/retiral dues of the deceased mother.

If that be so, it is needless to say that she would be paid in accordance with law.

(Madhuresh Prasad, J)

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