

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12369 of 2016

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Pravin Kumar Son of Late Raj Narayan Prasad Yadav, Resident of Village-
Mauna Ahir Tola, P.O. P.S. Chhapra, District- Saran.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The District Magistrate, Saran at Chapra.
3. The Chief Medical Officer, Saran at Chapra.
4. The Dy. Chief Medical Officer, Chapra.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Buxi SRP Sinha, Sr. Advocate Mr.Nachiketa Jha, Advocate
For the Respondent/s	:	Mr.Akash Verma, SC-11

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

4 18-02-2021 Heard Mr. Buxi SRP Sinha, Sr. Advocate for the
petitioner and Mr. Akash Verma, SC-11 for the State.

The petitioner has filed the present writ petition for quashing of the order whereby the respondents have rejected the claim of the petitioner for compassionate appointment on the ground that the brother of the petitioner was gainfully employed.

Learned senior counsel appearing on behalf of the petitioner would submit that father of the petitioner died in harness on 15.07.2013. After his death, the mother of the petitioner sworn affidavit that only the petitioner is living with the mother and he takes her care and as such he should be



recommended for appointment on compassionate ground. On the basis of the aforesaid, the present writ petition was filed and subsequently one supplementary affidavit was filed on behalf of the petitioner containing affidavits of Rakesh Kumar, Arvind Kumar, Anup Ranjan and Pramila Devi stating that they are living separately from Smt. Ram Dulari Devi widow of Raj Narayan Prasad Yadav from his life time and they have no interest in the death-cum- retirement benefits of Late Raj Narayan Prasad Yadav and they have no objection if compassionate appointment is given to the petitioner. There is no denial of the fact that Arvind Kumar and Rakesh Kumar were gainfully employed.

The compassionate appointment is not reservation. The idea behind compassionate appointment is to provide social security to the family of the deceased employee died in harness. There is no document enclosed that there was partition in between the family at the time of death of the bread earner. There is no denial that under the scheme of the Act for the maintenance of the elderly people, they do not have any obligation to take care of them and only for the purposes of securing job in favour of the petitioner, the affidavit to that effect has been filed.



In the rejoinder to the counter affidavit two judgments of the Madras High Court and Jharkhand High Court, Annexure-7 series have been enclosed which do not help the petitioner. As already indicated above, compassionate appointment is not reservation. It is only designed to tide over the financial crisis occasioned on account of death of the bread earner. Filing affidavit that they have no concern with the family pension is no ground to find fault with the decision of the respondents rejecting the claim of the petitioner for compassionate appointment.

In view of the above, the writ petition does not merit any consideration. It is, accordingly, dismissed.

(Anil Kumar Upadhyay, J)

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