

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5666 of 2021

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Avinash Kumar Son of Late Ashok Singh Resident of Village - Tungi- Man-
aini, P.S. - Wazirganj, District- Gaya

... .. Petitioner/s

Versus

1. The State of Bihar Through the Director Agriculture, Bihar, Patna
2. The Joint Director (Agronomy), Munger Division, Munger
3. The District Agriculture Officer, Begusarai
4. The District Magistrate-cum-the Chairman, The District Compassionate Ap-
pointment Committee, Begusarai
5. The District Compassionate Appointment Committee, Begusarai Through its
Chairman
6. The Principal Secretary, General Administration Department, Bihar, Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar, Advocate
For the Respondent/s : Mr. Dhurjati Kumar Prasad, GP 14

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL JUDGMENT

Date : 04-02-2022

This matter is heard *via* video conferencing due to cir-
cumstances prevailing on account of the COVID-19 Pandemic.

In the instant petition, petitioner has prayed for the fol-
lowing relief(s):-

*“(i) For direction upon the
respondent District Compassionate Ap-
pointment Committee, Begusarai (in
short Committee) to consider and rec-
ommend the name of the petitioner for
being appointed on compassionate
ground from Class-4 to Class-3 post in
the light of letter no. 5958 dated
25.04.2012 and in the light of letter
bearing Memo No. 8082 dated
05.06.2015 issued by the General Ad-
ministration Department (in short*



GAD) for which the District Agriculture Officer, Begusarai has already recommended the case of the petitioner to the D.M., Begusarai-Cum- Chairman of the Committee vidde letter no. 1714 dated 25.08.2020.

(ii). For direction upon the respondent authorities to appoint the petitioner against vacant Class-3 posts in Grade Pay 1900/- in place of Grade Pay 1800/- by virtue of qualification of intermediate in science possessed by the petitioner from the date of his appointment i.e. from 27.06.2016 with all consequential monetary benefits.

(iii). For direction upon the respondent authorities of GAD to ii. communicate its guideline/advisory as sought by the District Compassionate Appointment Committee, Begusarai in its meeting dated 15.12.2020.

(iv). For any other relief/reliefs for which the petitioner is found entitled to.”

The petitioner was already appointed on compassionate ground to a lower post on 27.06.2016. His grievance is that he is entitled to higher post on aforesaid ground. The petitioner has not questioned the validity of compassionate appointment issued on 27.06.2016 so as to reconsider his grievance for higher post. That apart, the petitioner cannot choose for which post he is required to be appointed on compassionate ground. The very object of compassionate appointment's scheme itself is to provide an employ-



ment to meet the harassness in the deceased family. That apart, Hon’ble Apex Court time and again held that the compassionate appointment is not a fundamental right. Secondly, petitioner cannot claim compassionate appointment to higher post. Hence, the present writ petition stands dismissed.

(P. B. Bajanthri, J)

Vikash/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	
Transmission Date	N/A

