

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15564 of 2014

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Ram Pravesh Yadav Son of Late Jamuna Yadav, resident of Village/Mohalla-
Road No. 10, Mahmudi Chak, Rajendra Nagar, Police Station- Kadam Kuan,
District- Patna

... .. Petitioner/s

Versus

1. The National Institute of Technology, Patna through its Director, National Institute of Technology, Patna
2. The Director, National Institute of Technology, Patna
3. The Registrar, National Institute of Technology, Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Siya Ram Shahi, Advocate Mrs. Shally Kumari, Advocate Mr. Ram Ganesh, Advocate
For the Respondent/s	:	Mr. Satya Prakash Tripathy, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 22-11-2022

Learned counsel for the petitioner has no objection to
the matter being heard by the Division Bench.

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s):-

“(i) For issuance of an appropriate writ in
quashing the letter no. NITP/3146/10 dt. 10.11.2010
issued under the signature of Registrar, N.I.T, Patna,
whereby and where under the claim of the petitioner
for appointment on compassionate ground has been
rejected contained in Annexure-7.



(ii) For issuance of an appropriate writ commanding the respondents to appoint the petitioner on compassionate ground against Class IV post under National Institute of Technology, Patna.

(iii) For any other relief or reliefs for which the petitioner is entitled under law as well as on facts.”

It is not in dispute that the petitioner’s claim for compassionate appointment stood considered by the respondent Institution way back in the year 2004. The claim was set up on the ground that the original employee, namely, Jamuna Yadav (Class IV Employee) left for the heavenly abode on 08.06.2004. Thereafter, on 28th of June, 2004, petitioner sought compassionate appointment. The request was not acceded to despite petitioner’s reminder in the years 2005 and 2008.

The authority while rejecting the request has factored all circumstances, including- (a) availability of vacancy; (b) the need and requirement; (c) dependency of the petitioner upon the deceased employee for sustenance and (d) eligibility.

It is not in dispute that the respondents had acted *bona fide*.

We are also of the considered view that at this point in



time, the relief sought for, cannot be granted to the petitioner on account of passage of time.

Hence, the present petition stands disposed of.

Interlocutory Application(s), if any, shall stand disposed of.

(Sanjay Karol, CJ)

(Partha Sarthy, J)

Amrendra/PKP

AFR/NAFR	
CAV DATE	
Uploading Date	24.11.2022
Transmission Date	

