

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8493 of 2021

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1. Prabhat Kumar Datt @ Prabhat Kumar, son of Late Anjani Kumar Datt, Resident of Mohalla-Mumtaj Gali, Raghunath Tola, Anisabad, P.S.-Gardanibagh, District-Patna.
 2. Anupama Datt, w/o Late Anjani Kumar Datt, Resident of Mohalla-Mumtaj Gali, Raghunath Tola, Anisabad, P.S.-Gardanibagh, District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Public Health and Engineering Department, Govt. of Bihar, Patna.
2. The Executive Engineer, Public Health Pramandal Patna West Patna.
3. District Magistrate cum President, District Level Compassionate Committee, Collectorate Office, Establishment Branch, Patna.
4. Deputy Collector, Establishment, Collectorate Office, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Deepak Kumar Sinha
For the Respondent/s : Mr. Arvind Ujjwal, SC-4

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI

ORAL JUDGMENT

Date : 12-01-2022

The matter is heard *via* video conferencing due to circumstances prevailing on account of the COVID-19 pandemic.

2. In the instant petition, petitioners have prayed for following reliefs:

“1. That petitioners invoke the writ jurisdiction of this Hon’ble Court for direction/directions, order/orders, relief/reliefs for the following:

I. To quash the order dated 02.02.2021 vide memo no. 17 (HQ) issued by establishment Deputy collector Patna, Collectorate



Patna, annexing with proceeding of meeting conducted under the Chairmanship of District Magistrate Cum Chairman District Level on compassionate committee dated 27.02.2021 by which claim of the petitioner no. 01 was rejected to appoint on the eligible post on the ground of compassionate due to death of his father in service period under the Bihar Govt. on the ground that earlier claim was rejected and no review is possible although petitioner no. 1 has all the required qualification on the time of application at prescribed time.

II. To further quashing the letter dated: - 02.09.2016 vide memo no. 1773 issued under the signature of Executive Engineer, public Health Pramandal, Patna west, Patna by which earlier claim of the petitioner to appoint as compassionate appointment.

III. After qualification above order petitioner no. 01 be appointed on the eligible post on the compassionate ground and for which appointment letter is required to be issued by the respondent department because due to death of his father his family is in trouble mentally and economically.

IV. For which petitioner entitled for.”

3. Father of petitioner no. 1 died on 19.12.2014.

Petitioner no. 1 applied for compassionate appointment and it was rejected on the score that he had passed Matric Examination from Hindi Vidyapeeth, Deoghar and it is stated to be not one of



the recognized institution in terms of State Government Policy. Consequently, petitioner passed Matric Examination from the Bihar Open School Education and Examination Board on 20.09.2019.

4. The object of providing compassionate appointment is to meet immediate harness in the family. Petitioners' grievance was required to be examined as on the date of his father's death i.e. on 19.12.2014. Undisputedly, as on 19.12.2014, petitioner no. 1 did not have the prescribed educational qualification. Merely obtaining qualification on 20.09.2019 does not revive his eligibility to be appointed on compassionate ground with reference to his father's date of death on 19.12.2014.

5. Time and again Courts have held that compassionate appointment is not a fundamental right. It is only in the interest of meeting harness in the family. Therefore, petitioners have not made out a case.

6. Accordingly, the instant petition stands dismissed.

(P. B. Bajanthri, J)

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CAV DATE	
Uploading Date	
Transmission Date	

