

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1287 of 2018

In
Civil Writ Jurisdiction Case No.1377 of 2015

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Rakesh Ranjan Gupta S/o Late Shailendra Prasad Azad, R/o Village Singhiya,
Makhanpur, P.S. Gopalganj, District Bhagalpur.

... .. Appellant/s

Versus

1. The State Of Bihar
2. The Director, Primary Education, Govt. of Bihar, Patna.
3. The District Magistrate, Purnia, District Purnia.
4. The District Magistrate Cum Chairman of the District Compassionate Committee, District Purnia.
5. The District Education Officer, Purnia, District Purnia.
6. The Distirct Programme Officer Est. Purnia, Dist-Purnia.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Sharda Nand Mishra, Advocate
For the Respondent/s : Mr. Shashi Shekhar Tiwary, AC to AAG-13

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE RAJIV ROY
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 23-08-2022

Heard learned counsels for the parties.

2. In the instant Letters Patent Appeal, appellant has questioned the validity of the order of the learned single Judge dated 06.08.2018 passed in C.W.J.C. No. 1377 of 2015.

3. In the writ petition, appellant has prayed for following reliefs:-

**“1. That this writ application
is being filed for issuance of writ in the
nature of mandamus for direction to the**



respondents considered the case of the petitioner for appointment on the basis of the recommendation made by the District Establishment Committee, said recommendation has been made, on the basis eligibility test examination for appointment in the Class III post, thereafter as per direction and recommendation appointing authority issued appointment letter in the name of the petitioner in the Class III post by a letter dt. 01.06.2006 but no appointment in class 3rd post rather directed to the petitioner to submit joining on the post of Block Teacher, which is not a Class III post and further issued direction to respondents issued appointment letter in pursuance of the decision of the compassionate committee and further give other legal and consequential benefit to petitioner.”

4. Appellant's father died on 23.11.2005. The appellant submitted application for compassionate appointment and it was pending consideration. On 18.12.2006, appellant was appointed to the post of Block Teacher on *ad hoc* basis whereas he has approached this Court in the year 2015 seeking direction to give effect to the recommendation dated 01.06.2006 to appoint him on compassionate ground as against one of the Class III post.

5. Appellant could not apprise this Court delay and laches on his part during the intervening period from 01.06.2006, the date on which concerned authority



recommended appellant's name for compassionate appointment till filing of C.W.J.C. No. 1377 of 2015. The object of providing compassionate appointment is to meet immediate harness in the family.

6. In the present case, appellant has not apprised this Court as to how there is hardship in the family for the reasons that he was appointed as a Block Teacher on 18.12.2006. Moreover, he has slept over his right as and when cause of action accrued to him as on 01.06.2006, the date on which appellant's name is stated to have been recommended by the competent authority to appoint him to the post of Class III. On the other hand, he was discharging the duties of the post of Block Teacher from 18.12.2006. He must have realized that he had prospectus in class III post in the year 2015. Thus, he has filed writ petition in the year 2015. The learned single Judge has rejected the appellant's grievance.

7. Apex Court time and again held that belated claim of compassionate appointment is impermissible. It is also held that no fundamental right is vested with a person who is seeking compassionate appointment. In the following four decisions:-

(i) *Union Of India & Another vs. Shashank Goswami & Another* reported in 2012 11 SCC 307.

(ii) *Shreejith L. vs. Deputy Director (Education)*



Kerala and Others reported in 2012 7 SCC 248.
(iii) *Dhalla Ram vs. Union Of India And Others*
reported in 1997 11 SCC 201.
(iv) *State of Uttar Pradesh and Others vs. Premlata*
reported in (2022) 1 SCC 30.

Apex Court has elaborately discussed in respect of
compassionate appointment including the issue of belated claim.

8. In the light of these facts and circumstances,
appellant has not made out a case. Accordingly, the present
Letters Patent Appeal stands rejected.

9. At this stage, learned counsel for the appellant
submitted that the appellant has been meted out discrimination.
Similarly situated persons have the benefit of judicial
pronouncements. The appellant has not pointed out any delay
and laches on the part of such of those persons who have
obtained judicial order from this Court. Therefore, present
Letters Patent Appeal is distinguishable to that of cited
decisions.

(P. B. Bajanthri, J)

(Rajiv Roy, J)

rakhi/-

AFR/NAFR	
CAV DATE	
Uploading Date	29.08.2022
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