

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.188 of 2018

In
Civil Writ Jurisdiction Case No.2593 of 2016

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Abu Lais Iqbal, Son of Late Ainul Hoda, Resident of New Azimabad Colony,
Near R.K. Nhar Road Shahganj, District-Patna.

... .. Appellant/s

Versus

1. The State Of Bihar, through the Principal Secretary, Ministry of Urban Development, Government of Bihar, Patna.
2. The Municipal Commissioner, Patna Municipal Corporation, Maurya Lok Budh Marg, Patna.
3. Additional Municipal Commissioner, Patna Municipal Corporation, Maurya Lok Budh Marg, Patna.
4. The Mayor Cum Chairman of Compassionate Committee, Patna Municipal Corporation, Maurya Lok Budh Mar
5. The Deputy Mayor, Patna Municipal Corporation, Maurya Lok Budh Marg, Patna.
6. The Member, Standing Compassionate Committee, Patna Municipal Corporation, Maurya Lok Budh Marg, Pa
7. The Executive Officer, Patna Water Board, Patna.
8. The Additional Municipal Commissioner-Cum Chief Accounts Officer, Patna Municipal Corporation, Patn
9. The Secretary, Patna Municipal Corporation, Patna.
10. Section Officer, Patna Municipal Corporation, Patna.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Ashok Choudhary, Sr. Advocate
		Mr. Gyanendra Kumar Shukla, Advocate
For the PMC	:	Mr. Prasoon Sinha, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJAN GUPTA
and
HONOURABLE MR. JUSTICE DR. ANSHUMAN



ORAL ORDER

(Per: HONOURABLE MR. JUSTICE RAJAN GUPTA)

6 25-08-2022 Heard learned counsel for the parties.

The appellant is dissatisfied by his compassionate appointment on a Class IV post. The father of the petitioner is stated to be serving as a Sanitary Inspector in the Patna Municipal Corporation. Immediately, after his death, a Class-IV post was offered to him which he accepted. Nine years thereafter, the petitioner made a representation that he should be given a Class-III post as some other employees possessing lesser qualification have been adjusted against Class-III post on compassionate ground. He alleges that this approach of the Corporation amounts to discrimination and, thus, violative of Article 14 of the Constitution of India.

We are unable to accept this argument. The question of discrimination in compassionate appointment does not arise. Compassionate appointment is offered to a particular employee to tide over the immediate financial crises which the family faces after the death of the bread earner. It is more in the nature of a concession than a right. It appears that similar view was taken by a Bench of this Court in CWJC No. 632 of 2016 (Abhishek Kumar & Ors. vs. Patna Municipal Corporation and Ors.). Learned counsel for the appellant has placed reliance on



another judgment in CWJC No. 16054 of 2008 and analogous cases (Manoj Kumar & Ors. vs. Patna Municipal Corporation & Ors.).

Resultantly, this appeal is hereby dismissed.

(Rajan Gupta, J)

(Dr. Anshuman, J)

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