

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12155 of 2010

Md. Shamimuddin Son of Jainuddin Resident of Mohalla- Pakri, Ara,
Bhojpur, P.O.- Nawada, District.- Bhojpur At Ara

.. ... Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary - Cum- commissioner, Food, Supply and Commerce Department, Old Secretariate Building, Patna.
2. The District Magistrate, Siwan, District- Siwan, Bihar.
3. The Divisional Commissioner, Saran At Chapra, District - Saran
4. The Principal Secretary, Personnel And Administrative Reforms Department, Govt. of Bihar, Old Secretariat Building, Patna.

... ... Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Dharendra Kumar, Advocate
For the Respondent/s	:	Mr. GP 11
		Mr. Awanish Nandan Sinha, Advocate

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

Date : 14-07-2022

Heard learned counsels for the parties.

2. In the instant petition, petitioner has prayed for the following relief/reliefs:

“That this is an application for issuance of a writ of Mandamus or any other appropriate writ or Direction or order, directing the concerned respondents to appoint the petitioner on compassionate ground in the light of an order, issued by the Personnel and Administrative Reforms Department, Patna *vide* Letter No.3/C-233/2007 Ka 7146 dated 31.10.2008 on the post of the Supply Inspector or on any other suitable post in accordance with the requisite educational qualification of the petitioner in the Food and Supply Department in any



district of the State of Bihar in place of his deceased brother K Zakiuddin who died while in service on the post of Supply Inspector in Food and Supply Department at Siwan on 28.12.1985.”

3. The petitioner has sought for compassionate appointment on account of his brother *K. Zakiuddin* death on 28.12.1985. He died while holding the post of Supply Inspector in the Food and Supply Department at *Siwan*.

4. Perusal of records, it is evident that the present petition is highly belated. Apex Court time and again held that compassionate appointment is not a fundamental right. It is further held that providing compassionate appointment is to meet immediate harness in the family. The petitioner’s family survived from the year 1985 till filing of the representation and petition. Hence belated claim of compassionate appointment is impermissible in the light of the following Apex Court 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.*

5. Accordingly, writ petition stands dismissed.

(P. B. Bajanthri, J)

GAURAV S./-

AFR/NAFR	
CAV DATE	
Uploading Date	20.07.2022
Transmission Date	

