

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.1412 of 2021**

Arti Kumari D/o Bhola Ravidas, Resident of Village - Baragandhar,  
Mastalipur, Post - Buniyadganj, Police Station- Mufassil, District - Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Health Department, Government of Bihar.
2. Director -in-Chief, Health Services, Patna, Bihar.
3. Chairman, District Compassionate Committee, Gaya.
4. District Magistrate, Gaya.
5. Civil Surgeon Cum Chief Medical Officer, Gaya.
6. Superintendent, Anugrah Narain Magadh Medical College Hospital, Gaya.
7. Deputy Collector (Establishment), Gaya.

... .. Respondent/s

**Appearance :**

For the Petitioner/s : Mr. Kumar Dharendra Pratap Singh  
For the Respondent/s : Mr. Mujtabaul Haque, GP 12

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

**Date : 24-01-2022**

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

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

“(i) Issuance of a direction, order or writ,  
including a writ in the nature of Mandamus to  
respondent authorities to appoint petitioner in regular  
service on compassionate ground.

(ii) Issuance of a direction, order or writ,  
including a writ in the nature of Mandamus to appoint  
the petitioner on compassionate ground as she possesses  
all the requisite qualification and entitled for  
compassionate appointment to tide over the sudden  
crisis due to death in harness of her father.



(iii) Issuance of a direction, order or writ, including a writ in the nature of mandamus commanding the concerned respondent authority not to harass and humiliate the petitioner in the matter of her compassionate appointment to which she is entitled thereto.

(iv) Any other relief/reliefs that the petitioner may be found to be entitled to in the facts and circumstances of the present case.”

3. The object of providing compassionate appointment is to meet harness in the family. Petitioner’s father died on 02.10.2012 and as on that date, petitioner was a minor. Petitioner submitted application for compassionate appointment on 25.01.2017, thereafter, petitioner has presented this petition.

4. On the ground of delay and laches and the fact that the petitioner’s family survived from 2012 to 2017, petitioner is not entitled to compassionate appointment in the light of Apex Court decision that compassionate appointment is not a fundamental right.

5. Accordingly, writ petition stands dismissed.

**(P. B. Bajanthri, J)**

GAURAV S./-

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