

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1286 of 2023

Mostt. Rita @ Srimati Rita Devi, W/o- Binod Ram, Resident of Village-
Asogwa, P.S.- Mainatad, District- West Champaran. Petitioner
Versus

1. The State of Bihar, through the Principal Secretary, Panchayati Raj Department, Govt. of Bihar, Patna.
2. The District Magistrate, East Champaran, Motihari.
3. The District Welfare Officer, East Champaran, Motihari.
4. The Civil Surgeon, East Champaran, Motihari.
5. The Additional Collector, East Champaran, Motihari.
6. The Deputy Development Commissioner cum Chief Executive Officer Zila Parishad, East Champaran

... .. Respondents

Appearance :

For the Petitioner	:	Mr. Vishwajeet Kumar Mishra, Advocate Mr. Ashutosh Tripathi, Advocate
For the State	:	Mr. Satya Vrat, AC to GP-10
For Zila Parishad	:	Mr. Sanjay Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 12-04-2023 Heard learned counsel for the petitioner and learned counsel for the State as well as learned counsel for the Zila Parishad.

The petitioner in the present case is seeking quashing of the Letter No. 1078 dated 24.12.2019 issued by the District Compassionate Appointment Committee, East Champaran, Motihari whereby and whereunder the claim of the petitioner for appointment on compassionate ground has been rejected.

On perusal of the interim order as contained in Annexure '2' to the writ application, it appears that the husband of the petitioner was appointed on compassionate ground as temporary Peon and within 3 years of his appointment, he died. The petitioner applied for appointment on compassionate ground on 05.09.2014 but



at the time of consideration of her application, it was found that she did not possess the requisite qualification of Matric pass for appointment against group 'D' posts. She had passed only class IX. It is stated in the impugned order that in the year 2012, the Government had taken a decision and made rule that the minimum requisite qualification for group 'D' posts would be Matric pass.

Learned counsel for the petitioner is unable to demonstrate any illegality or infirmity with the impugned order. He, however, submits that the petitioner has passed her Madheyma examination from Bihar Sanskrit Education Board, Patna in the year 2020, therefore, she should be considered for appointment on compassionate ground.

Learned counsel for the State has opposed this writ application. It is stated that so far as the order impugned in this writ application is concerned, no illegality or infirmity may be found with the same. According to him, the subsequent passing of Madheyma examination from the Bihar Sanskrit Education Board cannot be a reason to interfere with the impugned order. It is further stated that the death of the husband of the petitioner had taken place on 11.05.2013, she has chosen to file this writ application more than 3 years after the rejection of her claim for appointment on compassionate ground. It is submitted that even otherwise it is well settled that compassionate appointment is in the nature of a back door entry, it is in the teeth of the Article 14 of the Constitution of



India but in a welfare State, this policy has been invoked to give succor to the family of the deceased employee who may be in a state of penury on a sudden demise of the bread earner of the family. In this case, the petitioner has already spent 10 years after the death of her husband and there is nothing on the record and pleading to show that she is in a state of penury.

Having regard to the submissions noted hereinabove, this Court is of the considered opinion that no illegality or infirmity may be found with the impugned order as contained in Annexure '2' to the writ application. The impugned order has been challenged after more than 3 years and the very purpose of the compassionate appointment has vanished with the expiry of 10 years of period after death of the husband of the petitioner, moreover, in the pleading there is no material to show that the petitioner lives in a state of penury.

In such circumstances, this Court is not inclined to exercise its extraordinary writ jurisdiction.

This writ application is, thus, dismissed.

(Rajeev Ranjan Prasad, J)

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