

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15443 of 2015

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Ram Vinay Rai son of Late Yogendra Rai, Resident of village- Karaila, P.S.-
Peer, P.O.- Srikant, District- Muzaffarpur

... .. Petitioner/s

Versus

1. The State Of Bihar through the Chief Secretary, Old Secretariat, Patna.
2. The District Magistrate, Muzaffarpur
3. Sub Divisional Officer East, Muzaffarpur

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ajay Kr Singh No.1, Advocate
For the State : Mr.Pushpanjali Sharma, AC to SC-20

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 01-09-2023 1. The present writ petition has been filed seeking the
following relief(s):-

“1.(I) For issuance of a writ in the nature of writ of certiorari for setting aside the order dated 13.6.2015 passed by the selection committee contained in Annexure-5 by which the selection committee have rejected the application of the petitioner on the ground that the age of the petitioner is more than required age fixed by the State Government .

(II) For issuance of a writ in the nature of writ of mandamus directing the respondents to appoint the petitioner on the basis of compassionate ground as father of the petitioner had died during his service period and he was the only earning member in his family.”

2. Admittedly, the father of the petitioner died on



25.12.2010, whereafter the petitioner had applied for compassionate employment on 18.08.2012, however, it was found that the petitioner is overage, hence compassionate employment, as per the scheme, could not be offered to the petitioner.

3. In any view of the matter, this Court finds that the basic object of the compassionate employment scheme is to enable the family of the deceased employee to tide over the immediate financial crisis which it faces at the time of the death of the sole breadwinner, however, now after a lapse of 13 years, no relief can be granted to the petitioner, especially, in view of the fact that he was overaged at the time he had applied for grant of compassionate employment. Reference, in this connection be had case to a judgment rendered by the Hon'ble Apex Court in the case of *Umesh Kumar Nagpal Vs. State of Haryana and Ors.*, reported in (1994) 4 SCC 138.

4. Having regard to the facts and circumstances of the case, and for the reasons mentioned herein above, I do not find any merit in the present writ petition, hence the present writ petition stands dismissed.

(Mohit Kumar Shah, J)

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