

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16281 of 2013

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Ajay Kuamr Singh S/O Late Jagat Narayan Singh Resident Of Mohalla-
Nawada, P.S- Nawada, Arrah, District- Bhojpur.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Executive Engineer, Sone Canal Division, Arra.
3. Chief Engineer, Water Resources Department Dehari- Rohtas Way.
4. District Magistrate, Bhojpur, At Arrah.
5. Deputy Collector, Revenue Divisional Arrah.
6. Superintending Engineer, Sone Canal Anchal, Arrah.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Angad Singh, Adv.
For the Respondent/s : GA VI

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**CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH
SHARMA**

ORAL ORDER

2 09-01-2023 Heard the parties.

The petitioner by way of this writ petition has prayed for quashing of the order, dated 07.09.2011 whereby the application for compassionate appointment was rejected on the ground that the petitioner's father expired 37 years back. As per the Rules application can be considered only within five years of the date of death.

Compassionate appointment is not a right of any individual, delay in filing of petition, the Supreme Court in **2022 SCC Online SC 1331** (Fertilizers and Chemicals Tranvancore Ltd. & Ors. Vrs. Anusree K.B.) has held as under :



“15 : While considering the issue involved in the present appeal, the law laid down by this Court on compassionate ground on the death of the deceased employee are required to be referred to and considered. In the recent decision, this Court in the case of Director of Treasuries in Karnataka and Anr. Vs. V. Somyashree, 2021 SCC Online SC 704, had occasion to consider the principle governing the grant of appointment on compassionate ground. After referring to the decision of this Court in N.C. Santhosh Vs. State of Karnataka, (2020) 7 SCC 617, this Court has summarised the principle governing the grant of appointment on compassionate ground as under:-

(i) that the compassionate appointment is an exception to the general rule;

(ii) that no aspirant has a right to compassionate appointment;

(iii) the appointment to any public post in the service of the State has to be made on the basis of the principle in accordance with Articles 14 and 16 of the Constitution of India;

(iv) appointment on compassionate ground can be made only on fulfilling the norms laid down by the State's policy and/or satisfaction of the eligibility criteria as per



the policy;

(v) the norms prevailing on the date of the consideration of the application should be the basis for consideration of claim for compassionate appointment.

16. As per the law laid down by this Court in catena of decisions on the appointment on compassionate ground, for all the government vacancies equal opportunity should be provided to all aspirants as mandated under Articles 14 and 16 of the Constitution. However, appointment on compassionate ground offered to a dependent of a deceased employee is an exception to the said norms. The compassionate ground is a concession and not a right.

Keeping the view above, the writ petition is dismissed.

(Sanjeev Prakash Sharma, J)

Shamshad/-
Item No. 42

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