

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18707 of 2013

Upendra Prasad Yadav

... .. Petitioner/s

Versus

The State Of Bihar and Ors.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Vivekanand Vivek, Adv.
For the State	:	Mr. Madhaw Prasad Yadav, GP 23 Mr. Meera Singh, AC to GP 23

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

ORAL ORDER

- 2 23-01-2023 1. Learned counsel for the respondent submits that the issue raised by the petitioner has become stale and old. The petitioner assails the order of compassionate appointment of his brother on the ground that the petitioner is an elder son of the deceased Government servant. In the opinion of this Court, the compassionate appointment is offered to any member of the family who may be approved by the spouse of the deceased Government servant. The first offer is to be given to the spouse of the deceased Government servant. However, if the spouse is unable to perform Government duty on account of any handicap which may be of age or otherwise, he or she may recommend for the compassionate appointment to be offered to any of her children. Amongst the siblings, there is no right of the eldest to claim appointment viz-a-viz others and it is the child in whom



the spouse of the deceased has faith that may be offered appointment.

2. Keeping in view thereto, claim of the petitioner is found to be wholly frivolous and the same is accordingly dismissed.

(Sanjeev Prakash Sharma, J)

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