

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20694 of 2013

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Amrendra Bhadur Singh S/O Late Anand Bahadur Singh Resident Of Pipara
Jaipal, P.S- Pirauta, District- Ara.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Commissioner- Cum- Secretary, Personal And Administrative Reforms
Department, Govt. Of Bihar, Patna.
3. The Deputy Secretary, Personnel And Administration Reforms Department,
Govt. Of Bihar, Patna.
4. The High Court Of Judicature Of Patna Through Its Registrar.
5. The District And Sessions Judge, Bhojpur Arah Null Null
6. The Registrar, Civil Court, Arah.
7. The Compassionate Appointment Committee Through Its Chairman District
Judge, Bhojpur, Arah.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Rajeev Kumar Singh, Adv. Mr. Gyanendra Kumar Diwakar, Adv.
For the Respondent/s	:	Mr. Mr. Rakesh Ambastha, AC to AAG-07
For the High Court	:	Mr. Sanjeev Kumar, Adv.

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

ORAL ORDER

2 24-01-2023

1. Heard the parties.

2. The petitioner by way of this writ petition claims
appointment on Class-III post on compassionate grounds and
assails the order dated 13.05.2013 passed by the Registrar
(Admn.), Patna High Court, whereby his claim was rejected.

3. Learned counsel for the High Court has informed
that the petitioner had already joined on the class-IV post on the
compassionate grounds on 14.12.2007, whereafter he has



claimed that he should be appointed on class-III post.

4. In **State of Rajasthan Vs. Umrao Singh**, the Hon'ble Apex Court has held as under:-

“8. Admittedly the respondent's father died in harness while working as Sub-Inspector, C.I.D. (Special Branch) on 16.3.1988. The respondent filed an application on 8.4.1988 for his appointment on compassionate ground as Sub-Inspector or L.D.C. according to the availability of vacancy. On a consideration of his plea, he was appointed to the post of L.D.C. by order dated 14.12.1989. He accepted the appointment as L.D.C. Therefore, the right to be considered for the appointment on compassionate ground was consummated. No further consideration on compassionate ground would ever arise. Otherwise, it would be a case of 'endless compassion'. Eligibility to be appointed as Sub-Inspector of Police is one thing, the process of selection is yet another thing. Merely because of the so-called eligibility, the learned Single Judge of the High court was persuaded to the view that direction be issued under proviso to Rule 5 of Rules which has no application to the facts of this case.

9. Since both the sides relied on Naresh Kumar Bali's case (supra), we will now refer to the same. We had indicated our mind in that very ruling in paragraph 15 of the said judgment. It reads as under:

Though the respondent claimed that he had applied for the post of a teacher the Subordinate Service Selection Board had not chosen him for the



post of a Teacher because he did not have the requisite qualification. In fact, the respondent did not object to his appointment as a Clerk and his claim for consideration for the post of Teacher was one year after his appointment. Thus, the appointment on compassionate ground as per the scheme had been completed.

(emphasis supplied)

10. Therefore, once the right has consummated as we indicated earlier, any further or second consideration for a higher post on the ground of compassion would not arise.”

5. Keeping in view above and the principle that the compassionate appointments are made with the purpose to give immediate relief to the family members of a deceased government servant, no right ensues for claiming a particular post.

6. Keeping in view the said principle, as up held by the Supreme Court, the claim of the petitioner for appointment against a class III post is not made out. The order passed by the Registrar (Admn.) does not warrant any interference.

7. The writ petition is accordingly dismissed.

(Sanjeev Prakash Sharma, J)

amit/-
Item no.17

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