

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 1335 of 2018

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Alok Kumar Paswan @ Gandhi @ Alok Kumar Gandhi son of Late Prema Devi, son of Ganga Ram Paswan, resident of Village- Pokharia, Ward No. 37, P.S. Town, District- Begusarai.

... .. Petitioner/s

Versus

1. The Chairman, Bihar State Electricity Board, Vidya Bhawan, Patna
2. The Deputy Director, Personnel General Administrative Department, Bihar State Electricity Board, Patna
3. The General Manager-Cum- Chief Engineer, Bihar State Electricity Board, Mithila Area, Darbhanga.
4. The Deputy General Manager-cum- Chief Engineer, Bihar State Electricity Board, Mithila Area, Darbhanga
5. The Electric Executive Engineer, Electric Supply Division, Samastipur.
6. The Electric Executive Engineer, Electric Supply Division, Begusarai.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr Pravin Kumar Sinha, Advocate
For the Respondent/s : Mr Vinay Kirti Singh, Sr Advocate

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CORAM: HONOURABLE MR JUSTICE RAJIV ROY

ORAL JUDGMENT

Date : 12-09-2023

Heard Mr Pravin Kumar Sinha, learned counsel for the petitioner and Mr Vinay Kirti Singh, learned senior counsel representing the North Bihar Power Distribution Company Limited.

2 The prayer is for the following reliefs:

“i That to issue an appropriate writ/s, order/s or direction/s in the nature of certiorari to quash the order dated 15.02.2016 whereby and where under the claim of the petitioner for compassionate appointment was



negated by the Bihar State Electricity Board (hereinafter referred as the “Board”).

ii That to issue an appropriate writ/s, order/s, direction/s in the nature of mandamus to the respondents to appoint the petitioner on compassionate ground, as no one left as bread earner in his family after death of his mother.

iii That any other relief or reliefs for which the petitioner be found entitled in law be granted to him.”

3 The petitioner, whose date of birth is 15.05.1993, has come before this Court for compassionate appointment in place of his mother Prema Devi who died on 07.01.1995 i.e. within one and half years of his birth.

4 The rules/guidelines relating to compassionate appointment is/are very clear. It has to be submitted within a period of five years.

5 The compassionate ground is extended to a family to bring him/her out of economic distress which the family immediately suffer when the bread earner loses his/her life. Number of judgments of the Hon’ble Apex Court and Patna High Court is/are there wherein it has been held that appointment on compassionate ground is concession and not a right as it breaches Article 14 of the Constitution which deals with equality under the



law and Article 16 of the Constitution which deals with equality of opportunity in the matter of public employment.

6 The petitioner, as stated above, was one and half years old in 1995 when unfortunately his mother died. 10 years later, an application was preferred by his father for appointment which was negated and in 2015 by the present petitioner which again stands rejected. The order has been communicated to the petitioner vide Memo No 142 dated 15.02.2016 (Annexure 8 to the writ petition).

7 Learned counsel for the petitioner submits that the State is welfare organization and has to take care of the families of the employees. He, being a child at the time of death of his mother, once he attained adulthood, he expected extension of the said appointment to him. It has been negated and in continuation of that, he has provided order dated 11.01.2011 of a Division Bench in LPA No 94 of 2010 in which it was held that merely because a person is minor, the claim cannot be negated.

8 Each and every case has its own facts and circumstances. In that case, taking into account that the petitioner was 10 years old, though application was belatedly preferred, the appellate Court wanted the respondents to consider his case on merits. In the present case, it is an admitted fact that the petitioner was one and half years old. His father kept litigating the matter



for himself and later handed over the baton to the petitioner once he attains majorhood whereafter he started running with the baton for the said employment.

9 The entire facts have been incorporated in the above paragraphs. Three decades have passed and time has come to consign the case to its file. The petitioner is now 30 years old and should take other for employment, if he is interested

10 The writ petition is misconceived and is accordingly dismissed.

(Rajiv Roy, J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	18.09.2023
Transmission Date	NA

