

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1579 of 2018

In
Civil Writ Jurisdiction Case No.18439 of 2010

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Prabhu Kumar Yadav Son of Late Shyam Nandan Rai, Resident of Village-
Gopalpur, Police Station-Naya Gaon, District-Saran

... .. Appellant/s

Versus

1. The State Of Bihar and Ors
2. The Director General of Police, Government of Bihar, Old Secretariat, Patna.
3. The Deputy Inspector general Personne, Government of Bihar, Old Secretariat, Patna.
4. The Superintendent of Police, District-Kisanganj.
5. The District Compassionate Appointment Committee Kisanganj through the District Magistrate, Kisanga
6. The District Establishment deputy Collector, Kisanganj.
7. The Secretary, Personnel and Administrative reforms Department, Government of Bihar, Old Secretaria

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Rabi Bhushan Prasad No. 1
For the Respondent/s : Mr.Prabhat Kumar Verma- Aag3

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

15 18-04-2023 In the present LPA, the appellant has assailed the

order of learned Single Judge dated 22.06.2018 passed in CWJC

No. 18439 of 2010.

2. Question for consideration in the present *lis* is

whether the appellant is entitled to compassionate appointment

on account of death of his brother Dinesh Kumar Rai.



3. Brief facts of the case are that Late Shyam Nandan Rai father of the appellant died in the year 1997 while he was in service. Appellant's brother Dinesh Kumar Rai was provided compassionate appointment in the year 1998. He died on 29.06.2001.

4. In this backdrop, whether the appellant-Prabhu Kumar Yadav is entitled to compassionate appointment or not? The appellant has not produced any scheme of compassionate appointment, to the extent that if an employee died while he was in service, his brother is entitled to compassionate appointment or not? In the absence of such scheme of compassionate appointment, the appellant has no right to seek compassionate appointment with reference to death of his father Late Shyam Nandan Rai in the year 1997 followed by compassionate appointment provided to appellant's brother-Dinesh Kumar Rai read with the fact that he too died and further whether appellant-Prabhu Kumar Yadav is entitled to compassionate appointment. It is to be noted that appellant's brother-Dinesh Kumar Rai was already provided compassionate appointment after death of his father Late Shyam Nandan Rai. Therefore, the appellant-Prabhu Kumar Yadav is not entitled to claim any compassionate appointment with reference to death of Late Shyam Nandan Rai



and so also death of his brother Dinesh Kumar Rai.

5. Further, it is to be noted that there is enormous delay in approaching this Court in the year 2010 with reference to date of death of Dinesh Kumar Rai on 29.06.2001. The appellant's family survived from 29.06.2001 to the year 2010.

6. Apex Court recently in the case of **State of West Bengal vs. Debabrata Tiwari & Ors.** reported in **2023 SCC OnLine SC 219 [Para-35, 36 & 41]** elaborately discussed under what circumstances compassionate appointment would be provided while analyzing delay and latches. It is also observed that right to compassionate appointment is not a fundamental right and it is only a social legislation to meet immediate hardship in the family of deceased employee.

7. In view of these facts and circumstances no inference is called for insofar as order of the learned Single Judge dated 22.06.2018 passed in CWJC No. 18439 of 2010. Accordingly, the present Letter Patent Appeal No. 1579 of 2018 stands dismissed.

(P. B. Bajanthri, J)

(Arun Kumar Jha, J)

abhishekk/-

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