

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.406 of 2022

In
Civil Writ Jurisdiction Case No.479 of 2020

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Aarti Devi, W/o Late Basudeo Gupta, Resident of Line Bazar, P.S. K. Hat,
P.O. and District- Purnea.

... .. Petitioner/Appellant/s

Versus

1. The State of Bihar.
2. The Secretary, Health Department, Government of Bihar, Patna.
3. The Civil Surgeon-cum-Chief Medical Officer, Buxar.
4. The District Compassionate Committee, through the Collector, Buxar.
5. The Deputy Collector, Establishment, Buxar.

... .. Respondents/Respondent/s

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Appearance :

For the Appellant/s : Ms. Alka Singh, Advocate

For the Respondent/s : Mr. S.D. Yadav (AAG-9)

Mr. Braj Bhushan Mishra, AC to AAG-9

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 31-07-2023

1. The appellant is the second wife of a deceased Government employee; who died while in service. The appellant claimed compassionate appointment on 05.08.2014 when the appellant's husband died on 20.01.2008. The application even then was time barred and the authority dismissed the same on 10.08.2015. The Rules for appointment under compassionate scheme provided for an application to be made within five years. The application was made after the five year period. The dismissal was in the year 2015 and the writ petition was filed, again, after five years, in 2020. At the time of filing of the writ petition, almost 12 years had passed from the day on which the appellant's husband died.



2. The learned Single Judge found that the application was belated and so was the challenge to the order of rejection.

3. We find absolutely no reason to interfere with the order of the learned Single Judge dated 04.07.2022 passed in CWJC No.479 of 2020.

4. The trite law is that the provision for compassionate appointment works against the equality clause in the matter of employment and can be permitted only in special circumstances of the appointment being sought for and made, immediately after the death of the deceased employee, so as to keep the family from abject penury and being driven out to the streets. The delay in raising the claim and challenging the rejection, works against the demand made of a compassionate appointment.

5. The appeal is without merit and the same stands dismissed.

(K. Vinod Chandran, CJ)

(Partha Sarthy, J)

Sunil/-

AFR/NAFR	NAFR
CAV DATE	
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