

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1226 of 2023

Most. Anita Devi Wife of Late Sansa Ram, Resident of Ambedkar Colony,
Khagaul Road, Police Station Gardanibagh, Patna, District- Patna.

... .. Petitioner

Versus

1. The State of Bihar through the Collector, Patna.
2. The District Compassionate Appointment Committee, Patna through its Chairman of the Committee the Collector, Patna.
3. The Principal, Patna Medical College and Hospital, Patna Ashok Raj Path, Patna, District Patna.
4. The Superintendent, Patna Medical College and Hospital, Ashok Raj Path, Patna, District Patna.

... .. Respondents

Appearance :

For the Petitioner/s : Mr.Veena Kumari Jaiswal, Advocate

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

Mr.Anil Kumar Verma, AC to AAG-9

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 18-04-2023 Heard learned counsel for the petitioner and the State.

Learned counsel for the petitioner undertakes to remove
the defect in course of the day.

Petitioner in the present case is the widow of the deceased,
a government employee who died in harness on 01.09.1999 while he
was on duty in Patna Medical College & Hospital, Patna.

From the narration of the facts and the impugned order as
contained in Annexure '4', it appears that this petitioner filed an
application for appointment of her sister's son on compassionate
ground in the year 2021. Learned counsel for the petitioner submits
that infact the petitioner had adopted the son of her sister in the year
2004 and in that capacity, for her adopted son she had filed an



application for appointment on compassionate ground on 05.08.2021.

Learned counsel submits that the application filed by the petitioner for and on behalf of her adopted son has been rejected on the ground that it is time barred and in view of letter no. 2822 dated 27.04.1995 issued by the Personnel and Administrative Reforms Department, Government of Bihar, an application for appointment on compassionate ground after death of the government employee in harness is to be made within a period of five years from the date of death.

Learned counsel submits that now the government has relaxed the said condition and there would be no limitation for filing of an application seeking appointment on compassionate ground.

Learned counsel for the State submits that this application is frivolous inasmuch as the admitted facts of the case would show that the concerned employee died on 01.09.1999, five years thereafter, the petitioner is said to have adopted the son of her sister and filed an application for appointment of her adopted son in the year 2021 i.e. after about 22 years from the date of death of her husband.

Learned counsel submits that in view of the law laid down by the Hon'ble Supreme Court in the case of **Umesh Kumar Nagpal versus The State of Haryana and Others** reported in **(1994) 4 SCC 138**, appointment on compassionate ground is not in consonance with the constitutional scheme for appointment but it has



been in vogue under a policy of the government to provide immediate succor to the family of the deceased employee who may fall in a state of penury. It is submitted that in this case, the family has survived for 22 years and in the whole writ application, there is no statement at all that the family of the deceased is in the state of penury, more over the manner in which the petitioner claims that she adopted her sister's son, would not inspire confidence.

Having heard learned counsel for the petitioner and the State, without going into any other issue, this Court is not inclined to entertain this writ application on the solitary ground that the very purpose of compassionate appointment is not in existence in the present case. It has been filed 22 years after the death of the deceased government servant and the petition lacks pleading as well. No infirmity is found in the impugned order.

This application has no merit, it is dismissed accordingly.

(Rajeev Ranjan Prasad, J)

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