

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.123 of 2022
In
Civil Writ Jurisdiction Case No.6493 of 2020

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Jyoti Kumari D/o Late Baban Singh Resident of Village- Chak Hasanpur,
P.S.- Runnisaidpur, District- Sitamarhi- 842003.

... .. Appellant/s

Versus

1. The State of Bihar through the Commissioner-cum-Secretary, Department of Home, Govt. of Bihar, Patna.
2. The Director General of Police-cum-Inspector General of Police, Bihar, Patna.
3. The Divisional Inspector General of Police, Magadh Range, Gaya.
4. The Inspector General of Police (Welfare), Bihar, Patna.
5. The Superintendent of Police, Gaya.
6. The Superintendent of Police, Nawada.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Subodh Kumar, Advocate
For the Respondent/s : Mr.Prabhat Kr. Verma (AAG3)

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 02-12-2024



The petitioner is aggrieved by the denial of claim for compassionate appointment. The petitioner is the daughter of a police constable who was dismissed from service, but later reinstated. In the meanwhile the petitioner's father died. The petitioner's claim for compassionate appointment was declined by the learned Single Judge relying on the judgment of the Hon'ble Supreme Court in Civil Appeal No. 7640-7641 of 2021 (**Union of India & Ors Vs. Amrita Sinha**) dated 11.12.2021 finding the delay having gone against the object of providing compassionate appointment.

2. The learned Counsel for the appellant points out that the father of the appellant was dismissed from service in the year 1996, which he had challenged before this Court. In the year 2002, the husband expired and in 2010 the writ petition filed against his dismissal was allowed, which judgment is produced as Annexure-1.

3. Annexure-1 judgment of the learned Single Judge of this Court directed the matter to be considered afresh, based on an identical issue having been dealt with, with respect to another officer in a different manner.

4. By Annexure-2 order it was directed that since the employee had expired, appropriate steps may be taken for



compassionate appointment. In fact the specific direction in Annexure-1 judgment was to consider the case of dismissal of the husband of the petitioner from service. That having not been considered there was no jurisdiction on the authority to find that compassionate appointment could be taken up.

5. In any event, we have to reckon the fact that despite the petitioner's father having died in the year 2002, the family survived up to 2010. Compassionate appointment as has been held by the Hon'ble Supreme Court is contrary to the equality clause under Article 14 of the Constitution of India and the principles of equal opportunity in public employment, under Article 16 of the Constitution of India. When there is undue delay in making such appointment, it is clear that the family did not require such appointment by reason only of the pecuniary situation of the family. Even when the punishment was set aside in the year 2010 there was no immediate request made for compassionate appointment before this Court. The writ petition was filed again after 10 years in the year 2020.

6. In the above circumstances, we do not find any reason to interfere with the judgment of the learned Single Judge.



7. The writ petition stands dismissed.

8. Interlocutory application(s), if any, shall stand disposed of.

(K. Vinod Chandran, CJ)

(Partha Sarthy, J)

ranjan/-

AFR/NAFR	NAFR
CAV DATE	NA
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