

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.143 of 2022

In
Civil Writ Jurisdiction Case No.19465 of 2021

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Pravin Kumar Tiwary Son of Late Kaushal Kishore Tiwary, resident of Village- Madhopur, P.O. Amma, P.S. Hathauri, Anchal - Katra, District - Muzaffarpur, presently residing at near Children Academy, Balu Ghat, P.S. Muzaffarpur Town, District - Muzaffarpur.

... .. Appellant/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Rural Works Department, Government of Bihar, Patna.
3. The Engineer-in-Chief, Rural Works Department, Government of Bihar, Patna.
4. The District Compassionate Committee, Muzaffarpur through the Chairman-cum-District Magistrate, Muzaffarpur.
5. The Deputy Collector Establishment, Muzaffarpur, District – Muzaffarpur.
6. The Superintending Engineer, Rural Works Department, Work Circle, Muzaffarpur.
7. The Executive Engineer, Rural Works Department, Work Division, Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr.Vijay Kumar Singh, Advocate Mr. Abhinav Shandilya, Advocate
For the State	:	Mr. Alok Ranjan AC to AAG-5

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



(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 13-08-2024

The petitioner is concerned with his compassionate appointment which he claims as the son of a deceased government servant. The death of the father of the petitioner occurred on 30.03.2004, immediately after which he filed an application before the District Compassionate Appointment Committee, Muzaffarpur. The Committee considered the application and on 29.06.2005 the claim of compassionate appointment was rejected on the ground that the eldest son of the deceased employee was a Government employee, strictly in accordance with the provisions for compassionate appointment. The challenge to the said order was made by this writ petition, in the year 2021 and the learned Single Judge rightly declined relief on the ground of delay. The learned Single Judge quoted the judgment of the Hon'ble Supreme Court in **State of Jammu & Kashmir Vs. R.K. Zalpuri and Ors** reported in **AIR 2016 SC 3006**, to decline jurisdiction on the ground of delay.

2. The trite principle is that compassionate appointment is not a right vested on the dependents but can be granted only on the basis of the specific terms for such appointment. The aspect of delay also disables any appointment on compassionate ground since it indicates that the family did not require



immediate succor by way of appointment on compassionate grounds for its survival. The long delay in challenging the order of the District Compassionate Appointment Committee stands against the petitioner. Moreover, the elder son of the deceased was a government employee, in which circumstance the measure of compassionate appointment cannot be resorted to; since it would work against the principles of equality in public appointment.

3. On the above reasons, we find absolutely no ground to interfere with the judgment of the learned Single Judge.

4. The appeal stands dismissed.

(K. Vinod Chandran, CJ)

(Partha Sarthy, J)

ranjan/-

AFR/NAFR	NAFR
CAV DATE	NA
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