

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11729 of 2024

Sanju Devi W/o Parash Nath Pandey, R/o vill- Sakaddi Than Koilwar, P.O. - Sakaddi, District - Bhojpur, Pin Code- 802160.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Education Deptt, Bihar, Patna.
2. The Khuda Baksh Oriental Public Library Patna through Director, Patna.
3. The Under Secretary, Governor Secretariat, Raj Bhawan, Patna.
4. The Joint Secretary, Governors Secretariat, Raj Bhawan, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Piyush Kant Singh, Advocate
For the Respondent/s	:	Mr. Sarvesh Kumar, Advocate (GP-24)
For the Resp.No.3&4	:	Mr. Rajiv Ranjan Kr. Pandey, Advocate
		Mr. Janardan Prasad Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

2 07-08-2024 One Paras Nath Pandey, since deceased, was an employee of Khuda Bakhsh Oriental Public Library, Patna, an autonomous organization under Ministry of Culture, Government of India. He died-in-harness in the year 2015. After his death, the widow of the said Paras Nath Pandey, since deceased, the petitioner herein, filed an application on 26.10.2015 praying for granting compassionate appointment to her son. The said application was rejected on 09.04.2016 on the ground that at the relevant point of time there was no vacancy to appoint the son of the petitioner on compassionate ground. Thereafter, the petitioner did not take any step. Subsequently, after a lapse of eight years, the petitioner has filed the instant



writ petition on 31.07.2024, praying for a direction by issuing a writ of mandamus against the respondents to consider the case of the petitioner's son for compassionate appointment.

2. It is needless to say that compassionate appointment is made in violation of general rule of appointment. Therefore, compassionate appointment is a back door appointment. However, it is recognized as a social welfare major to relieve the family of the deceased employee of immediate penury.

3. The record of the case reveals that after rejection of the petitioner's prayer for compassionate appointment on 09.04.2016, the petitioner has been staying silently without taking any recourse under the law. This continuous delay and latches, on the part of the petitioner, speaks a volume to hold that the petitioner's son had no immediate requirement for appointment on compassionate ground.

4. On this ground alone, the instant writ petition is liable to be dismissed.

5. Accordingly, the instant writ petition is dismissed being devoid of any merit.

(Bibek Chaudhuri, J)

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