

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7002 of 2019

Binod Mehtar, son of Late Jaddu Mehtar resident of Village- Dhamdaha South
hat, P.S-Dhamdaha district- Purnea

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Commissioner Purnea Division, Purnea Bihar
3. The District Magistrate, Purnea Bihar
4. The District Development Officer, Patna Bihar
5. The sub Divisional Officer, Dhamdaha, Purnea Bihar
6. The Deputy Collector, Najarat, Purnea Bihar
7. The Block development Officer, Dhamdaha, Purnea

... .. Respondent/s

Appearance :

For the Petitioner/s :

For the Respondent/s : Mr. Akhileshwar Singh, AC to GA 2

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 30-04-2025 None appears on behalf of the petitioner.

2. Learned Advocate for the State is present.

3. The petitioner has approached this Court seeking a direction upon the respondent authorities to appointment him against the post of Sweeper in the Block office, Dhamdaha Block in place of her mother Smt. Sanichari Devi, who died in harness on 04.05.1996 while working as Sweeper.

4. A counter affidavit has been filed on behalf of the Block Development Officer, Dhamdaha, Purnea. It is categorically averred that there is no provision for compassionate appointment on the post of Sweeper; hence the



claim of the petitioner came to be disallowed.

5. Though the contention of the respondents is refuted by filing the reply to the counter affidavit. However, this Court finds that the very object of the compassionate appointment is to give immediate succor to the bereft family whose bread earner died in harness, leaving behind the entire family in penury.

6. It is the settled proposition of law that “The Compassionate appointment is an exception to the general rule. Normally, an employment in the Government or other public sectors should be open to all eligible candidates who can come forward to apply and compete with each other. It is in consonance with Article 14 of the Constitution. On the basis of competitive merits, an appointment should be made to public office. This general rule should not be departed from except where compelling circumstances demand, such as, death of the sole breadwinner and likelihood of the family suffering because of the setback. Once it is proved that in spite of the death of the breadwinner, the family survived and substantial period is over, there is no necessity to say "goodbye" to the normal rule of appointment and to show favour to one at the cost of the interests of several others ignoring the mandate of Article 14”



[vide: *State of J.& K and others vs. Sajad Ahmed Mir, (2006) 5 SCC 766*].

7. Admittedly, the mother of the petitioner died long back in the year 1996 and more than 29 years have elapsed; hence, in any view of the matter, any order directing for consideration of the claim of the petitioner for appointment on compassionate ground would be against the very object of the compassionate appointment.

8. Accordingly, the writ petition *sans* any merit stands dismissed.

(Harish Kumar, J)

Anjani/-

U			
---	--	--	--

