

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.67 of 2022

In

Civil Writ Jurisdiction Case No.8493 of 2021

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1. Prabhat Kumar Datt @ Prabhat Kumar, aged about 34 years, male, Son of Late Anjani Kumar Datt, Resident of Mohalla - Mumtaj Gali, Raghunath Tola, Anishabad, P.S. - Gardanibagh, District - Patna.
 2. Anupama Datt, aged about 59 years, female, w/o Late Anjani Kumar Datt, Resident of Mohalla - Mumtaj Gali, Raghunath Tola, Anishabad, P.S. - Gardanibagh, District - Patna.

... .. Appellants

Versus

1. The State of Bihar through the Principal Secretary, Public Health & Engineering Department, Govt. of Bihar, Patna.
2. The Executive Engineer, Public Health Pramandal Patna, West Patna.
3. District Magistrate Cum President, District Level Compassionate Committee, Collectorate Office, Establishment Branch, Patna.
4. Deputy Collector, Establishment, Collectorate Office, Patna.

... .. Respondents

Appearance :

For the Appellants : Mr. Deepak Kumar Sinha, Advocate
For the Respondents : Mr. S. Raza Ahmad, Sr. Advocate (AAG-5)
Mr. Vishwambhar Prasad, AC to AAG-5

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

and

HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA
ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE SUDHIR SINGH)

Date : 12-08-2025

Heard Mr. Deepak Kumar Sinha, learned counsel
for the appellants/writ petitioners and Mr. S. Raza Ahmad,
learned senior counsel for the respondents.

2. The present *intra* court appeal has been filed
challenging the judgment dated 12.01.2022, passed by a learned
Single Judge of this Court, in C.W.J.C. No.8493 of 2021,



whereby the learned Single Judge while dismissing the writ petition, held that the appellant No.1 is ineligible for appointment on compassionate ground.

3. As per the facts on record, the father of the appellant died on 19.12.2014. Appellant No.1 applied for appointment on compassionate grounds after the death of his father. The application was rejected by the DM-cum-Chairman, District Level Compassionate Committee, Patna, in the meeting dated 27.07.2016, on the ground that the appellant had passed the Matriculation Examination from Hindi Vidyapeeth, Deoghar which is a non-recognised institution as per the State Government Policy. Further, a letter was issued on 02.09.2016 under the signature of the Executive Engineer, Public Health Pramandal, Patna West, whereby the rejection of the application was communicated to the appellant. Subsequently, appellant passed the Matriculation Examination from Bihar Open School Education and Examination Board on 20.09.2019 and again applied for appointment on compassionate ground, which was again rejected vide letter dated 02.02.2021, issued under the signature of Establishment Deputy Collector, Patna, on the ground that the earlier claim was rejected, and no review of such claim is possible.



4. The learned Single Judge held that the compassionate appointment is not a fundamental right and it is only in the interest of meeting harness in the family, and dismissed the writ petition.

5. Learned counsel for the appellants submitted that the order dated 02.02.2021, *vide* memo No.17, issued by the Establishment, Deputy Collector, is bad in law, and the appellant obtained the requisite qualification after his first application was rejected by the concerned authorities. The appellant had obtained the requisite qualification and again represented his application with the valid matriculation certificate on 20.11.2019, i.e., within five years of the death of his father.

6. Learned counsel for the respondents submitted that the learned Single Judge had rightly dismissed the writ petition, and the judgment of the learned Single Judge requires no interference.

7. The application for compassionate appointment was made by the petitioner on 02.09.2016. The said application was rejected by the authorities as the appellant had passed matriculation examination from Hindi Vidyapeeth, Deoghar, which was not recognised by the State of Bihar. The first rejection order was never challenged before any Court.



8. Thereafter, the appellant No.1 moved a second application along with the matriculation certificate issued by Bihar Board Open Schooling and Examination for consideration of compassionate appointment against the death of his father on 20.11.2019. The said second application was also rejected, vide order dated 01.02.2021, by the Establishment, Deputy Collector which is 'Annexure-II' to the writ petition. The said order was assailed by the appellants before the learned Single Judge. The findings of the learned Single Judge in paragraph 4 of judgment, passed in CWJC No.8493 of 2021 is reproduced as under:

“The object of providing compassionate appointment is to meet immediate harness in the family. Petitioners' grievance was required to be examined as on the date of his father's death i.e. on 19.12.2014. Undisputedly, as on 19.12.2014, petitioner no. 1 did not have the prescribed educational qualification. Merely obtaining qualification on 20.09.2019 does not revive his eligibility to be appointed on compassionate ground with reference to his father's date of death on 19.12.2014.”

9. In our view, compassionate appointment is not a statutory right which can be claimed by the appellant No.1. The purpose of such scheme is that the family of the deceased may not go through the financial hardship. In this case, after the



death of the father of the appellant No.1 approximately 11 years have passed, and the family of the appellant continued to survive. Thus, the object of the scheme itself is frustrated in the present case.

10. Considering the findings given by the learned Single Judge, the facts of the case and the discussions made above, we do not find any perversity in the order of the learned Single Judge.

11. Accordingly, the present appeal stands dismissed.

(Sudhir Singh, J.)

(Ramesh Chand Malviya, J.)

*Gaurav Kumar,
Mayank/-*

AFR/NAFR	N.A.F.R.
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