

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7535 of 2019

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Gunjan Kumar Singh Son of Late Kapildeo Singh Permanent R/O-Vill-Ladanpur, P.O. and P.S.-Amirganj, Distt-Nalanda (Bihar, Presently residing at Batam Bazar Bara Akhara, New Bihari Girls School, P.O.-Batam Bazar, P.S.-Sadar, Distt-Hazaribagh (Jharkhand)

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Deptt. Of Transport, Govt. Of Bihar, Patna.
2. The Bihar State Road Transport Corporation through its Administrator, Parivahan Bhavan, Birchand Patel Path, Patna.
3. The Administrator, The Bihar State Road Transport Corporation, Parivahan Bhavan, Birchand Patel Path, Patna.
4. The State of Jharkhand Jharkhand
5. The Secretary cum Transport Commissioner, FFP Building, HEC Parishar, Dhurwa Ranchi
6. The Additional Chief Secretary, Transport Department, FFP Building, HEC Parishar, Dhurwa, Ranchi.
7. The Divisional Manager, Road Transport Corporation Department, Ranchi
8. Depot Superintendent, Transport Department, Hazaribagh, Jharkhand

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Chandra Shekhar Singh, Adv.
For the State	:	Smt.Anuradha Singh, SC 21
		Ms. Shatabdi Sinha, AC to SC 21
For the Jharkhand	:	Mr. Sanjay Kumar Pandey, Adv.
For the BSRT	:	Mr. Jainendra Kumar Sinha, Adv.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 07-05-2025

Heard the parties.

2. The petitioner has approached this Court seeking a direction upon the respondents to declare him entitled for compassionate appointment on account of untimely death of his father on 01.01.2008, while working as Conductor under the



Department of Transport, Government of Jharkhand and further to direct the Bihar State Road Transport Corporation (for short 'BSRTC') to appoint him on any suitable post on compassionate ground.

3. Referring to the averments made in the writ petition, learned Advocate for the petitioner contended that the father of the petitioner was duly appointed on 30.01.1973 as a Conductor in BSRTC at Hazaribagh and died in harness on 01.01.2008 on account of an accident while he was going to attend his duty. Subsequent to the death of his father, the mother of the petitioner submitted all the documents for death-cum-retiral benefits. However, despite all her persuasions, no heed was paid and under the compelling circumstances, the petitioner approached to the Hon'ble Court of Jharkhand vide W.P.(S) No. 599 of 2012, which finally came to be disposed of on 02.04.12 with a direction to the Transport Commissioner, Jharkhand to consider the representation and decide the claim of the petitioner for compassionate appointment by passing a speaking order. Notwithstanding the aforesaid fact, the representation of the petitioner came to be rejected vide Memo No. 431 dated 16.05.2014, which order was further put to challenge in W.P.(S) No. 4514 of 2014. On account of preliminary objection raised



by the BSRTC and the submission being made that the erstwhile employee of the BSRTC could not be absorbed in service under the Government of Jharkhand since he had already died, liberty was given to the petitioner to avail the remedy as available under the law; hence the petitioner has approached this Court by filing the present writ petition.

4. Learned Advocate for the petitioner further contended that because of the recalcitrant attitude of the authorities of the BSRTC, the petitioner has been deprived from his rightful claim for appointment on compassionate ground as the matter is kept lingering since 2008 till date.

5. A counter affidavit has been filed on behalf of the respondent nos. 2 and 3. Categorical averments have been made that keeping in view the bad financial condition of the BSRTC, no compassionate appointment is being extended to the dependents of any deceased employee. The situation is even so worsen as no regular appointment is being made in the Corporation since long. It has also been apprised to this Court that the Committee constituted pursuant to the direction of the Hon'ble Apex Court in Civil Appeal No. 7290/1994 (*The State of Bihar & Ors. vs. Surajdeo Singh & Ors.*) has also submitted a report regarding worsen economical condition of the BSRTC.



It has further been contended that the petitioner after having exhausted his remedy before the learned Jharkhand High Court, approached this Court; all the more the BSRTC is not at all liable to make compassionate appointment on account of its financial condition.

6. Considering the submissions advanced on behalf of the learned Advocate for the petitioner and also the specific averments of the BSRTC that the Corporation is not in a position to extend the benefit of compassionate appointment; as also 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, coupled with the fact that the matter is of 2008 and more than sixteen years have been elapsed, this Court does not find any reason or occasion to interfere in the writ petition.

7. 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*].

8. In view of the discussions made hereinabove, the writ petition stands dismissed.

(Harish Kumar, J)

Anjani/-

AFR/NAFR	
CAV DATE	
Uploading Date	08.05.2025
Transmission Date	

