

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12249 of 2019

Arbind Kumar Pandey @ Arbind Pandey, S/o Late Paras Nath Pandey, Vill.
and P.o.- Sakaddi, P.s.- Koilwar, Distt.- Bhojpur at Ara

... .. Petitioner/s

Versus

1. The Union of India versus Principal represented through Principal Secretary,
Ministry of Culture, Govt. of India, New Delhi
2. The Director Khuda Bakhsh Oriental Public Library, Ashok Rajpath, Patna-4
3. The Administrative Officer Khuda Bakhsh Oriental Public Library, Ashok
Rajpath, Patna-4

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Dilip Kumar, Advocate
For the Respondent/s : Mrs. Kanak Verma, C.G.C.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

4 25-06-2025 Heard Mr. Dilip Kumar, learned Advocate for the

petitioner and Mrs. Kanak Verma, learned Advocate for the

respondents.

2. The father of the petitioner died in harness on
27.07.2015 while working as a Senior Library Assistant in
Khuda Baksh Oriental Public Library, Patna. On account of
unfortunate demise of the erstwhile employee, the petitioner
after obtaining no objection from all the other legal heirs, has
filed an appropriate application for his appointment on
compassionate ground.

3. It is categorically stated that the family of the
deceased had/has no source of income and was dependent on
her husband, who was the only bread winner in her family; and,
in fact the family of the deceased, including, the petitioner is in



great financial crisis to barely make ends meet thus, living in destitution and penury.

4. The application of the petitioner came to be considered by the administrative officer, however, it came to be rejected basing upon the ground that compassionate appointment can be extended only upto 5% of the vacancies, calculated on the basis of the direct recruitment vacancies of Group C & D posts. The total number of posts under C & D in the Library are 36 and 5% of 36 comes less than two only. As the two persons have already been appointed on compassionate ground during previous years, hence, fresh appointment on such basis is not possible.

5. A counter affidavit came to be filed on behalf of answering respondent and while supporting the impugned order, it is urged that the factual position is admitted that under the scheme only 5% of vacancies is made permissible for compassionate appointment and at present more than two persons have been working against the said post; therefore, in no circumstances the petitioner could be appointed on compassionate ground in absence of any vacancy. However, a fair gesture have been shown and it has been stated in paragraph 14 of the counter affidavit that the answering respondent assures to consider compassionate appointment of the petitioner if the



vacancy meant for compassionate appointment under 5% quota of direct recruitment vacancy is available and he is found eligible and suitable under the scheme.

6. Considering the submissions set forth by the learned Advocate for the respective parties, this Court at present does not find any reason or occasion to interfere in the present writ application. However, in view of the assurance made by the answering respondent, the petitioner is at liberty to approach before the concerned authority in terms with paragraph 14 of the counter affidavit.

7. With the aforesaid observation, the present writ petition stands disposed.

(Harish Kumar, J)

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