

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17477 of 2025

Shiv Kumar Singh Son of Late Jag Narayan Yadav @ Late Jag Narayan Singh
Resident of Village-Tendua (Dusadhi) Tola, P.S- Dehri (Town), District-
Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Home Department, Government of Bihar, Patna.
2. The District Magistrate, Rohtas at Sasaram.
3. The Superintendent of Police, Rohtas, at Sasaram.
4. The Sub-Divisional Police Officer, Dehri-on-Sone, Rohtas.
5. The Officer Incharge, P.S.- Dehri (T), Rohtas.
6. The Circle Officer, Dehri-on-Sone, Rohtas.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Dhaneshwar Prasad Gupta
For the Respondent/s : Mr. Sarvesh Kr. Singh, AAG-13

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL JUDGMENT

Date : 02-12-2025

Heard learned counsel for the petitioner and learned
counsel for the respondents.

2. The petitioner has filed the instant application
praying for quashing the decision of the respondents taken on
25.11.2019 and communicated vide letter no.169 dated
21.1.2020 rejecting the application filed by the petitioner for
his appointment on compassionate ground.

3. The case of the petitioner in brief is that the father
of the petitioner who was working as the *Chaukidar* died in
service on 27.12.2009. The petitioner filed an application on



3.1.2010 for his appointment on compassionate ground. It is further submitted that the application of the petitioner was recommended by the Senior Deputy Collector in the year 2011 and the Circle Officer also issued a certificate in December, 2012 to the effect that no other family member of the petitioner was in Government service. The petitioner received a communication dated 19.11.2018 from the Senior Deputy Collector, Rohtas, Sasaram, addressed to the petitioner to produce his character certificate.

4. Learned counsel for the petitioner further submits that in its meeting held on 25.11.2019, the Compassionate Appointment Committee rejected the application for compassionate appointment filed by the petitioner. The said decision was communicated to the petitioner contained in letter no.169 dated 21.1.2020 issued under the Senior Deputy Collector, District Administration, Rohtas (Sasaram). The reason given therein was that the petitioner does not fulfill the minimum educational qualification required for the appointment.

5. It is further case of the petitioner that his application having been rejected in the year 2019 and communicated to him in the year 2020, the petitioner pursued



his education and having passed his matriculation, once again filed a fresh application for appointment on compassionate ground in the year 2025. A copy of the application/representation has been brought on record as Annexure-P9 to the writ application. Not having received any response to the same, the petitioner has preferred the instant application.

6. The application is opposed by learned counsel for the respondents. It is submitted that taking into consideration the guidelines of the Government of Bihar in matters relating to appointment on compassionate ground, the application of the petitioner was considered in the meeting of the District Compassionate Committee held on 25.11.2019 presided by the District Magistrate, Rohtas and in view of the petitioner not having the requisite minimum qualification for appointment, his application was rejected. Learned counsel submits that it is not in dispute that the petitioner was only Class-VIII pass and the minimum requisite qualification for appointment is matriculation.

7. Heard learned counsel for the parties and perused the material on record.

8. The relevant facts in brief are that on the death of



the father of the petitioner who was working as a *Chaukidar* on 27.12.2009 while in service, the petitioner filed an application for appointment on compassionate ground. The same came to be considered by the Compassionate Appointment Committee in its meeting held on 25.11.2019 and the same was rejected. The rejection thereof was communicated vide letter dated 21.1.2020 to the petitioner. The rejection being on the ground that the petitioner did not have the minimum required educational qualification.

9. It may be observed here that so far as appointment on compassionate ground is concerned, the object thereof is to enable the penurious family of the deceased employee who died in harness to tide over the sudden financial crisis which has fallen over the family. It is not considered to be in alternative mode of providing employment.

10. The Hon'ble Supreme Court in the case of **Umesh Kumar Nagpal vs. State of Haryana & Ors.; (1994) 4 SCC 138** has held as follows :-

“2. As a rule, appointments in the public services should be made strictly on the basis of open invitation of applications and merit. No other mode of appointment nor any other consideration is permissible. Neither the



Governments nor the public authorities are at liberty to follow any other procedure or relax the qualifications laid down by the rules for the post. However, to this general rule which is to be followed strictly in every case, there are some exceptions carved out in the interests of justice and to meet certain contingencies. One such exception is in favour of the dependants of an employee dying in harness and leaving his family in penury and without any means of livelihood. In such cases, out of pure humanitarian consideration taking into consideration the fact that unless some source of livelihood is provided, the family would not be able to make both ends meet, a provision is made in the rules to provide gainful employment to one of the dependants of the deceased who may be eligible for such employment. The whole object of granting compassionate employment is thus to enable the family to tide over the sudden crisis. The object is not to give a member of such family a post much less a post for post held by the deceased. What is further, mere death of an employee in harness does not entitle his family to such source of livelihood. The Government or the public authority concerned has to examine the financial condition of the family of the deceased, and it is only if it is satisfied, that but for the provision of employment, the family will not be able to meet the crisis that a job is to be offered to the eligible member of the family. The posts in Classes III and IV are the lowest posts in non-manual and manual



categories and hence they alone can be offered on compassionate grounds, the object being to relieve the family, of the financial destitution and to help it get over the emergency. The provision of employment in such lowest posts by making an exception to the rule is justifiable and valid since it is not discriminatory. The favourable treatment given to such dependant of the deceased employee in such posts has a rational nexus with the object sought to be achieved, viz., relief against destitution. No other posts are expected or required to be given by the public authorities for the purpose. It must be remembered in this connection that as against the destitute family of the deceased there are millions of other families which are equally, if not more destitute. The exception to the rule made in favour of the family of the deceased employee is in consideration of the services rendered by him and the legitimate expectations, and the change in the status and affairs, of the family engendered by the erstwhile employment which are suddenly upturned.”

11. Coming to the facts of the instant case, the employee in question having died in December, 2009, the application of the petitioner came to be considered by the respondents on 25.11.2019 and the same was rejected on the ground of the petitioner not having the minimum educational qualification. The petitioner continued to sit over the said



order of rejection for the next 5 years till he obtained the minimum qualification of becoming a matriculate and once again after 16 years of the death of his father filed a fresh application. It is in these circumstances that the respondents not having taken any steps for appointment pursuant to the petitioner’s fresh application made in the year 2025 that the instant writ application has been filed.

12. In view of the facts and circumstances stated herein above, the Court finds no error in the order of rejection passed by the respondent authorities on 25.11.2019 communicated to the petitioner on 21.1.2020 nor in the respondents not considering the fresh application/representation of the petitioner filed in the year 2025.

13. In the opinion of the Court, there is no merit in the instant writ application and the same is dismissed.

(Partha Sarthy, J)

Shiv/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	03.12.2025
Transmission Date	

