

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7326 of 2026

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Tinku Kumar S/o Late Shambhu Ram, R/o PMCH Medical OPD Karmchari Quarter Room-3, Ashok Raj Path, Near Makhaniya Kuwa, PS- Pirbhore, Dist- Patna at present R/o- Chanmari Road, Road No. 6, P.S.- Kankarbag, Dist.- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Health, Govt.of Bihar,Patna.
2. The District Magistrate, Patna.
3. The Superintendent, Patna Medical College and Hospital, Patna.
4. The District Compassionate Committee, through its Chairman District Magistrate, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Rajeev Ranjan No.II
For the Respondent/s : Mr.Sanjiv Kumar, AC to AG

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CORAM: HONOURABLE MR. JUSTICE RITESH KUMAR
ORAL JUDGMENT

Date : 14-05-2026

Heard the learned counsel for the petitioner and the
learned counsel appearing on behalf of the respondent-State.

2. The present writ petition has been filed for the
following relief:-

“For issuance of appropriate writ
in the nature of mandamus/any other
appropriate writ/order/direction commanding
the respondents to consider the case of the
petitioner for his appointment on
compassionate ground as early as possible on
account of death of his father in harness who
was working on the post of Sweeper in
P.M.C.H., Patna and after his death the entire



family members fell in financial hardship and vagrancy.”

2. The brief facts giving rise to the present writ petition, are that father of the petitioner died in harness on 23.07.2009, while working as Sweeper in the Patna Medical College and Hospital. After his death the petitioner submitted his application before the Superintendent, Patna Medical College and Hospital on 22.10.2010 with a request to grant him the benefit of compassionate appointment. The application of the petitioner was not considered, since he did not possess the requisite qualification. Later on, the petitioner after passing Madhyama Examination from the Bihar Sanskrit Shiksha Board submitted his Class-10th certificate before the Superintendent, P.M.C.H. and requested him to consider his case for appointment on compassionate ground. Subsequently, vide letter dated 13.04.2016, issued under the signature of the Circle Officer, Patna Sadar, addressed to the Superintendent, P.M.C.H, Patna, the report of the Halka Karmchari was sent to the Superintendent, P.M.C.H.

3. The learned counsel for the petitioner submits no action has been taken on the application submitted by the petitioner, then the petitioner filed a representation on



14.07.2025 before the District Magistrate-cum-Chairman District Compassionate Appointment Committee, Patna.

4. The learned counsel for the petitioner submits that the father of the petitioner died in harness in 2009, but the benefit of compassionate appointment has not been given to him, although, he possess all the requisite qualification, for being appointed on compassionate ground. He further submits that after the death of the father of the petitioner, his entire family, including the mother of the petitioner are facing hardship on account of not granting the benefits of compassionate appointment.

5. He submits that the action of the respondent authorities is not in consonance with law, since the petitioner deserves to be appointed on the compassionate ground. However, the respondent authorities have not taken any decision on the application of the petitioner.

6. *Per contra*, the learned counsel appearing on behalf of the respondent-State submits that the death of the father occurred in 2009 and the present writ petition has been filed in 2026, which is after a delay of almost 17 years. The Hon'ble Supreme Court of India has held that the compassionate appointment should not be granted to a dependent of the



deceased employee as a matter of right.

7. Having heard the learned counsel for the petitioner and after going through the record, it appears that the father of the petitioner died on 23.07.2009, while he was working as Sweeper in P.M.C.H. The petitioner submitted his application however, since he did not possess the requisite qualification he appeared and cleared the Madhyama Examination and thereafter, submitted the same before the Superintendent, P.M.C.H., Patna.

8. Now after 17 years of death of deceased employee, the case of the petitioner for compassionate appointment is not fit to be considered in view of the settled legal proposition and the judgment of the Hon'ble Supreme Court of India, reported in the case of ***Umesh Kumar Nagpal vs. State of Haryana & Ors.***, (1994) 4 SCC 138, wherein in paragraph no. 6 it has been held as follows:-

“6. For these very reasons, the compassionate employment cannot be granted after a lapse of a reasonable period which must be specified in the rules. The consideration for such employment is not a vested right which can be exercised at any time in future. The object being to enable the family to get over the financial crisis which it



faces at the time of the death of the sole breadwinner, the compassionate employment cannot be claimed and offered whatever the lapse of time and after the crisis is over”

9. Further, the Hon’ble Supreme Court of India in a judgement in the case of *Jagdish Prasad vs. State of Bihar & Anr.* reported in **1996 (1) SCC 301** in paragraph no. 3, has held as follows:-

“3.....The very object of appointment of a dependent of the deceased employees who die in harness is to relieve unexpected immediate hardship and distress caused to the family by sudden demise of the earning member of the family. Since the death occurred way back in 1971, in which year the appellant was four years old, it cannot be said that he is entitled to be appointed after he attained majority long thereafter. In other words, if that contention is accepted, it amounts to another mode of recruitment of the dependent of a deceased government servant which cannot be encouraged, de hors the recruitment rules.”

10. Similarly, the Hon’ble Supreme Court of India in



the case of **Local Administration Department and Another versus M. Selvanayagam @ Kumaravelu**, reported in **(2011) 13 SCC 42**, in paragraph no.11 has held as follows:-

“11. It has been said a number of times earlier but it needs to be recalled here that under the scheme of compassionate appointment, in case of an employee dying in harness one of his eligible dependants is given a job with the sole objective to provide immediate succour to the family which may suddenly find itself in dire straits as a result of the death of the breadwinner. An appointment made many years after the death of the employee or without due consideration of the financial resources available to his/her dependants and the financial deprivation caused to the dependants as a result of his death, simply because the claimant happened to be one of the dependants of the deceased employee would be directly in conflict with Articles 14 and 16 of the Constitution and hence, quite bad and illegal. In dealing with cases of compassionate appointment, it is imperative to keep this vital aspect in mind.”

11. Even this Court, on the basis of the judgements of the Hon'ble Supreme Court of India in the case of **Jagdish Prasad (supra)**, vide its judgment dated 09.02.2026 passed in



C.W.J.C. No. 5750 of 2022 (**Janki Ballabh Versus the State of Bihar and Ors.**), has proceeded to reject the claim of the petitioner on the ground of delay and laches.

12. Having considered the above facts and on the basis of the settled legal propositions mentioned above, this Court does not find any merit in the writ petition and accordingly, the same is dismissed.

13. Pending application(s), if any, shall also stand disposed of.

(Ritesh Kumar, J)

vinita/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	19.05.2026
Transmission Date	

