

Vikash Kuimar Vs. the State of Bihar and ors

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Court : Patna

Decided On : May-12-2012

Appellant : Vikash Kuimar

Respondent : The State of Bihar and ors

Judgement :

IN THE HIGH COURT OF JUDICATURE AT PATNA Civil Writ Jurisdiction Case No.4676 of 2011 Vikash Kuimar son of Shri Binod Kumar Ram of Purani Chowk Gopalganj, P.S. Gopalganj, Dist. Gopalganj ..petitioner Versus 1. The State Of Bihar 2. District Magistrate Siwan.

3. Chief Medical cum Civil Surgeon, Siwan 4. Deputy Collector, Establishment, Siwan.

5. District Compassionate Committee, through Secretary, District Development Commissioner, Siwan. Respondents. -----

12. 01.2012 Heard learned Senior Counsel for the petitioner and learned counsel for the State. Petitioner is claiming compassionate appointment on the death of his mother who was working as A.N.M. in the office of P.H.C. Goriakothi. The claim of the petitioner has been rejected by the District Compassionate Appointment Committee on the ground that the father of the petitioner is a Govt. servant in Siwan Collectorate. A declaration of law had been made in C.W.J.C. No. 8668 of 2003 followed by a corresponding notification issued by the Government on 1.9.2004, that a family member, whose father and mother are already in Govt.

service, cannot claim compassionate appointment. A vociferous argument has been made at the bar that the mother and father of the present petitioner are separated and, therefore, he is claiming compassionate appointment under the mother and not under the father. Such separation has to be supported by some kind of legal document and mere statement or say declaration is only a play to beget employment through back-door under garb of 2 compassionate appointment. It is for a court of competent jurisdiction to declare that the petitioner has been disowned by his father and has no relationship whatsoever subsisting during the relevant period of time. The respondents have done nothing wrong in rejecting the petitioners claim for compassionate appointment. Even otherwise, petitioner must get an appropriate declaration by a civil court of competent jurisdiction to support the assertion of separation, which he is claiming, in the present writ application. The court is of the considered opinion that the compassionate appointment committee has done no wrong in rejecting the claim of the petitioner in absence of proper legal documents in support of the claim. The writ petition is dismissed. (Ajay Kumar Tripathi, J) M.Rahman

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