

(2009) 04 AHC CK 0480
In the Allahabad High Court

Sacchchida Nand Rai

APPELLANT

Vs

District Inspector of Schools, Gorakhpur and another

RESPONDENT

Date of Decision : 08-04-2009

Acts Referred:

Citation : (2009) 04 AHC CK 0480

Hon'ble Judges : V.K.Shukla, J

Final Decision : Dismissed

Judgement

V.K. Shukla, J.

Present writ petition has been filed questioning the validity of order dated 08.11.2000 passed by District Inspector of Schools, Gorakhpur, refusing to accord compassionate appointment to the petitioner.

Brief background of the case is that in the district of Gorakhpur, there is an institution known as Anand Vidya Peeth Inter College, Kakarahi, Gorakhpur. In the said institution, father of the petitioner, late Jagannath Rai, had been performing and discharging duties as Assistant Teacher. He died in harness on 6th May, 1975. Petitioner has contended that his earlier elder brother Krishnanand Rai requested for grant of compassionate appointment and ultimately, he surrendered, then petitioner requested on 05.08.1995 for grant of compassionate appointment. Petitioner has stated that as no action was being taken, he filed writ petition and this Court on 03.11.1995 asked the authority concerned to decide the representation. Since the order of this Court was not complied, contempt proceedings were initiated, and then order impugned, refusing to accord compassionate appointment, has been passed, which is subject matter of challenge in present writ petition.

Learned counsel for the petitioner Sri B.C. Naik, Advocate, contended with vehemence that petitioner was entitled for compassionate appointment, but his claim has been arbitrarily rejected on totally unsustainable grounds, as such writ petition deserves to be allowed.

Countering the said submission, learned Standing Counsel, on the other hand, has contended that rightful view has been taken in the matter and no interference be made.

After respective arguments have been advanced, factual position which emerges in the present case is that death of the petitioner's father took place on 06.05.1995; on the said date of death, there was no provision for extending the benefit of compassionate appointment. Regulations 101 to 107 were introduced for the first time on 31.07.1992 and the same were made effective with effect from 01.01.1981. Once admittedly, on the date of death and prior to it, admittedly there being no provision of compassionate appointment, petitioner could not have been appointed. The view taken by the District Inspector of Schools is rightful view on this score and same warrants no interference.

Even otherwise, in the present case since the date of death uptill now more than 35 years have elapsed. The object of providing compassionate appointment is to save the family from immediate crisis. Grant of compassionate appointment is not vested right and it is also not reservation for all the times to come.

Consequently, there is no merit in the writ petition. It is accordingly dismissed.