
(2003) 12 AHC CK 0083

In the Allahabad High Court

Case No : Civil Miscellaneous Writ Petition No. 1473 of 1990

Vikramaditya Pandey

APPELLANT

Vs

Committee of Management of Satashi Intermediate
College, Rudrapur, District Deoria through its Manager & Ors.

RESPONDENT

Date of Decision : 10-12-2003

Acts Referred:

Citation : (2003) 12 AHC CK 0083

Hon'ble Judges : R.B.Misra, J

Final Decision : Dismissed

Judgement

R.B. Misra, J.—Heard Sri Sanjeev Kumar, learned Counsel, holding brief of Sri Shashi Nandan, learned Counsel for the petitioner and Sri Raj Kumar as well as Miss. Anakshi Sharma, learned Standing Counsels for the State respondents.

2. In this petition prayer has been made for quashing the impugned order dated 211990, whereby a direction was given by the District Inspector of Schools, Deoria to Manager of Satashi Intermediate College, Rudrapur, Deoria to give employment to the petitioner on compassionate ground to the ClassIV post.

3. It appears that father of the petitioner, while serving as Assistant Teacher in Satashi Intermediate College, Rudrapur, District Deoria, died in the year 1982 and the petitioner submitted an application on 281989 i.e. after more than seven and half years for getting employment on compassionate ground under the U.P. Recruitment of Dependent of Government Servant Dying in Harness Rules, 1974 and on 211990 a direction was issued by the District Inspector of Schools, Deoria to the management to appoint the petitioner on compassionate ground, however, it is not known under what circumstances the compliance of the said order was not made.

4. Counter affidavit on behalf of private respondent has been filed, according to which it appears that when such direction dated 211990 was given by the District Inspector of Schools, Deoria, there was no vacant post in the college for giving

employment on compassionate ground and such direction was given at very belated stage i.e. after more than seven and half years. According to learned counsel for the respondents, the compassionate appointment is made to enable the penurious family of the deceased employee to tide over the sudden financial crises and not to provide employment. As the appointments in public service are to be made strictly on the basis of open invitation of applications and no other mode of appointment nor any other consideration is permissible, however, as an exception to meet certain contingencies to give a sympathetic consideration to the dependants of an employee died in harness leaving his family as penury and without any means of livelihood, the appointment could be made in consonance to the rules on compassionate ground. The whole object of granting compassionate appointment is to enable the family of the deceased employee to tide over the sudden crises in view of the decisions of the Supreme Court in *Umesh Chandra Nagpal v. State of Haryana*, (1994) 4 SCC 138; *Jagdish Prasad v. State of Bihar*, (1996) 1 SCC 301 ; *S. Mohan v. Government of T.N.*, (1998) 4 SCC 485, and in view of the elaboration made by this Court (Hon'ble Mr. Justice R.B. Misra, J.) in its order dated 1182003 passed in Writ Petition No. 19168 of 2000, *Smt. Rajo Devi and another v. State of U.P. and others*. In view of the above observations, the petitioners' claim for compassionate appointment at such belated stage could not be accepted.

5. I have heard learned counsels for the parties. In the above circumstances, this Court is not inclined to invoke its extraordinary discretionary jurisdiction under Article 226 of the Constitution to compel the authorities to make appointment at this stage, therefore, the writ petition is dismissed. However, dismissal of this writ petition shall not debar the merits and eligibility of the petitioner for being considered in future.