

WP(C) 3056/2010

BEFORE

HON'BLE MR. JUSTICE B.K. SHARMA.

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Heard Mr. A.Y. Choudhury, learned counsel for the petitioner as well as Mr. MK. Misra, learned Standing Counsel, Education Department.

This writ petition has been filed praying for a direction to the respondents to consider the case of the petitioner for appointment on compassionate ground. The prayer so made is on account of the death of the father of the petitioner while in service on 7.4.2001. The father of the petitioner was Head Master in Ganeshtila Permanent L. P. School. As per own admission of the petitioner, he was only 10 years of age when his father died and attained the age for employment i.e. 18 years only on 15.12.2009.

About 9 (nine) years have passed since the death of the father of the petitioner. The compassionate appointment is provided to give immediate assistance to the family in distress. If considerable number of years have passed by itself, the normal presumption is that there is no need for compassionate appointment. In the instant case, the father of the petitioner died 9 (nine) years back when the petitioner was a minor. As has been held by the Apex Court in Sanjay Kumar Singh v. State of Bihar, reported in (2000) 7 SCC 192, there cannot be any reservation for a minor for appointment on compassionate ground till such time he attains majority. In the instant case, after so many years of death of the father of the petitioner, there is no question of consideration of the case of the petitioner for appointment on compassionate ground.

Writ petition is dismissed.