



2026:AHC:12826

**HIGH COURT OF JUDICATURE AT ALLAHABAD
WRIT - A No. - 2706 of 2024**

Surya Prakash Mishra

.....Petitioner(s)

Versus

State Of Up And 5 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Dhananjay Singh, Satyendra Narayan Singh
Counsel for Respondent(s)	:	C.S.C.

Court No. - 33

HON'BLE VIKAS BUDHWAR, J.

1. Heard Sri Satyendra Narayan Singh, learned counsel for the petitioner and Sri S.K. Pal, learned Additional Chief Standing Counsel, who appears for State-respondents.
2. The counsel for the rival parties have made a joint statement that they do not propose to file any further affidavits thus with the consent of the parties, writ petition is being decided at the fresh stage.
3. The case of the writ petitioner is that his father late, Suresh Narain Mishra who was a constable died in harness on 18.12.2002 at the time of the death of the father of the writ petitioner, the writ petitioner was a minor and he attained majority on 28.07.2014. It is also the case of the writ petitioner that the mother of the writ petitioner had preferred application on 06.01.2010, 22.08.2013, 30.07.2015 and 14.12.2015 for according compassionate appointment to the writ petitioner. The writ petitioner post attainment of majority applied for compassionate appointment on 07.09.2018 and the claims set up by the writ petitioner for according compassionate appointment stood rejected by the Government on 09.06.2022.
4. Questioning the same, the writ petitioner has been filed the present writ petition.
5. Learned counsel for the writ petitioner has submitted that the order impugned cannot be sustained, particularly, when at the time, the father of the writ petitioner expired, he was a minor. He attained majority in the year 2014 and due to the illness of the mother and other family constraints, he preferred an application on 07.09.2018 for according compassionate appointment. He submits that the family of the writ petitioner is in the state of destitution and it is virtually becoming impossible to make ends meet. He

further submits that there is no question of rejection of the claim of the writ petitioner on delay, particularly, when there was certain intervening circumstances which became a hurdle for the writ petitioner to claim compassionate appointment.

6. Sri S.K. Pal, learned Additional Chief Standing Counsel on the other hand submits that compassionate appointment is an exception to the general rule of recruitment, however, what is to be seen is whether there was destitution of the family once the bread earner has expired, however, according to him, the mother was physically fit, she could have obtained compassionate appointment but she wanted job for her son and the writ petitioner even after obtaining majority in the year 2014 is waiting for four years for claiming compassionate appointment.

7. I have heard learned counsel for the parties and gone through the records carefully.

8. Facts are not in issue. It is not in issue that the father of the writ petitioner died in harness on 18.12.2002 and the writ petitioner at the time of the death of the father was a minor as his date of birth was 28.07.1996 and he attained majority on 28.07.2014. As per the own saying of the writ petitioner, the writ petitioner's mother had not taken employment for herself but wanted to the writ petitioner. It is also not in dispute that the writ petitioner attained majority in the year 2014 i.e. 28.07.2014 and the writ petitioner claims compassionate appointment on 07.09.2018. It is a settled principle of law that compassionate appointment cannot be granted on mere asking as in order to get the said benefit, the financial status of the family as well as the question of delay also marks importance. It is apparent from the document at page 50 of the paper book dated 12.05.2020 that the mother of the writ petitioner did not opt for compassionate appointment and further there is nothing on record to show that there was certain circumstances beyond the control of the writ petitioner which attributed non-claiming of compassionate appointment.

9. Accordingly, the order impugned does not suffer any infirmity, the writ petition stands **dismissed**.

January 19, 2026

A. Prajapati

(Vikas Budhwar,J.)