

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5100 of 2015

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Raja Ram, s/o late Indrasan Ram, r/o vill- Lakri, P.S. Fulwaria, Distt.-
Gopalganj.

.... Petitioner

Versus

1. The State of Bihar, through Principal Secretary, Department of Personal & Administrative Reforms, Govt. of Bihar at Patna,
2. Principal Secretary, Personal & Administrative Reforms, Govt. of Bihar at Patna,
3. Secretary, Urban Development Department, Govt. of Bihar at Patna.
4. District Magistrate, Patna.
5. Commissioner, Patna Municipal Corporation, Patna.
6. Mayor, Patna Municipal Corporation, Patna.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Amresh Kumar Sinha, Adv.
For the Respondent/s : Mr. Sumant Kumar Singh, AC to GA3
For the PMC : Mr. Ranjeet Kumar Pandey, Adv.

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 02-04-2015 Heard learned counsel for the parties as with regard to the
following relief prayed in this writ application:

“(i) To issue an appropriate writ MANDAMUS in the nature commanding and directing the respondents authorities to appoint the petitioner on compassionate ground to any post as he has passed Class 8th , with the respondent authorities as his father died in harness during service period.

(ii) Further to issue an appropriate writ mandamus in nature directing the respondents to take a final decision upon the application of petitioner dated 9.12.2013 for appointment on compassionate ground.”

Having regard to the fact that the petitioner himself has not fully complied the directions given by Patna Municipal Corporation in its letter addressed to him contained in Memo No.



1026 dated 28.9.2014, as contained in Annexure 4, this Court does not find any reason to issue a direction to the authorities of Patna Municipal Corporation to consider the case of the petitioner for his appointment on compassionate ground, inasmuch as if the petitioner himself is not serious in supplying essential information/ certificate he cannot expect this Court to issue a direction for straightway appointment on compassionate ground.

True it is that the father of the petitioner had died on 10.2.2011 but if the petitioner has not fully complied the directions of the Corporation in course of consideration of his case, he cannot claim his appointment as a matter of right. The Corporation has to take conscious decision only after applying objective standard and if, therefore, the petitioner wants his case to be considered within a period of five years from the date of death of his father he must make those information available as early as possible because after a period of five years if such information is made available by the petitioner that may be of no use.

When such an observation is made learned counsel for the petitioner seeks indulgence of this Court to enable the petitioner to file the necessary information/ documents in terms of the letter of the Corporation, as contained in Annexure 4, within a period of four weeks. In the event the petitioner supplies full information

and the connected documents as called for by him in Annexure 4, the Corporation must take a decision either way as with regard to claim of compassionate appointment of the petitioner in next four months from the date of filing of such information/ documents by the petitioner.

With the aforementioned observation and direction, this application is disposed of.

(Mihir Kumar Jha, J)

surendra/-

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