

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13120 of 2008

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Md.Akhtar Khan sone of Late Jaharuddin Khan, resident of village PIRO,
Gaon, Purab Mohalla Chooti Masjid, P.S. Piro, District Bhojpur.

.... Petitioner/s

Versus

- 1.The State of Bihar.
- 2.The District Magistrate, Buxar.
- 3.The Circle Officer, Dumraon.
- 4.The Establishment Deputy Collector, Buxar.
- 5.The Sub-divisional Officer, Buxar.

.... Respondent/s

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 28-07-2015

No one appears for the petitioner.

2. The prayer of the petitioner in this writ application to quash the order of the District Compassionate Appointment Committee dated 17.01.2003, is wholly misconceived both on fact and in law. The death of the father of the petitioner had taken place some forty five years ago on 21.05.1970, at a point of time when the policy of compassionate appointment in the State of Bihar itself was not in existence and in fact for the first time the same came into force with effect from 12.07.1977, wherein, in the period of limitation for filing the application for appointment on compassionate ground was of two years. Thus on the



basis of the aforesaid policy any person whose father or bread earner had died on or after 12.07.1975, could alone have been considered, but then as noted above as on 21.05.1970 when the father of the petitioner had died there was no such policy of compassionate appointment in the State of Bihar.

3. That apart the petitioner had filed the application for appointment on compassionate ground on 26.09.2002. The age of the petitioner in the writ application in its affidavit portion is shown to be 35 years as on 14.08.2008 which in turn would mean that the petitioner's birth had taken place sometime in 1973, and thus it is very difficult for this Court to find any merit in the petitioner's claim to be even the son of the person, who had died in the year 1970, much less considering his case for appointment on compassionate ground.

4. In any event the cause of action of 1970 when the alleged father of the petitioner had died can not

even otherwise entertained raised after 38 years of his death and therefore this writ application even otherwise is fit to dismissed on the ground of delay and laches.

5. Thus for the all aforesaid reason this writ application must be accordingly dismissed.

(Mihir Kumar Jha, J)

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