

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5796 of 2015

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Sanjay Kumar Sharma Son of Late Baban Sharma , Resident of village-
Bara Telpa Khanua, P.S. - Chapra, District- Saran (Chapra),

.... Petitioner/s

Versus

1. Bihar State Food & Civil Supplies Corporation, Through Managing Director , Head Office Sone Bhawan, 5th Floor, Birchand Patel Path, Patna.
2. The Managing Director, Bihar State Food & Civil Supplies Corporation, Sone Bhawan, 5th Floor, Birchand Patel Path, Patna.
3. The Chief of Administration, Bihar State Food & Civil Supplies Corporation, Sone Bhawan, 5th Floor, Birchand Patel Path, Patna.
4. The District Manager, Bihar State Food Civil Supplies Corporation, Chapra, Dist. - Chapra.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Gajanan Arun, Adv

For the Respondent/s : Mr. Shailendra Kr Singh, Adv

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

3 08-05-2015 Heard learned counsel for the parties.

Having regard to the fact that the father of the petitioner had died in the year 2004, and it is claimed that the petitioner had filed an application in prescribed format in the year 2006, seeking appointment on compassionate ground, this Court was not inclined to issue any direction for considering the case of the petitioner for appointment on compassionate ground because of delay of more than 10 years in moving this



Court from the date of death of the father of the petitioner. Learned counsel for the petitioner, however, explains that there was general ban on appointment on compassionate ground in the Corporations and therefore, the petitioner was awaiting for lifting of such ban and now when the ban has been recently lifted, the petitioner wants a direction to consider his case for appointment on compassionate ground.

Learned counsel for the respondent-Corporation on the other hand has submitted that neither the petitioner has enclosed any proof of filing of such application for appointment on compassionate ground nor application filed by the mother of the petitioner can be said to be an application for appointment on compassionate ground.

In the considered opinion of this Court, the delay on the part of the petitioner in moving this Court could have been questioned on ban but then the crucial question still remains as to whether the petitioner had



filed an application within the prescribed period of five years of the date of death of his father, inasmuch as, such application could have been entertained by the authorities of the Corporation who were filed within a period of five years.

There is nothing on record to show that such application was filed, except a vague statement in paragraph no. 8 of the writ petition.

In that view of the matter, this Court would direct the authorities of the Corporation, to firstly examine as to whether application for appointment on compassionate ground in prescribed proforma was ever filed by the petitioner and received in the headquarter of the Corporation within the prescribed period. If the Corporation finds existence of such application of the petitioner, it may proceed to decide the case of appointment of the petitioner on compassionate ground with all others as per its own policy. If on the other hand, such application is not found to be in existence the

case of the petitioner should be rejected by intimating him of such decision.

This Court therefore, would direct the petitioner himself to render the proof of filing of such application before the authorities of the Corporation so that search of the application allegedly filed by the petitioner can be made from the official records. This, the petitioner must do within a period of one month from the date of receipt of this order, whereafter the remaining direction given above shall be carried out by the respondents.

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

(Mihir Kumar Jha, J)

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