

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1379 of 2015

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Sidhrath Kumar, son of Late Satish Chandra Prasad, R/o village- Rajepur
Nawada, P.S. Pakaridayal, District- East Champaran, Motihari

.... Petitioner

Versus

1. The State of Bihar through Principal Secretary, Rural Development
Govt. of Bihar, Patna
2. The Director, Land Acquisition , Govt. of Bihar, Patna
3. The District Magistrate-cum- Chairman of the District Compassionate
Committee, District- East Champaran, Motihari
4. The District Land Acquisition Officer, East Champaran, Motihari

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra

For the Respondent/s : Mr. Sc5- Kumar Manish

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 04-02-2017 Heard Sri Sharda Nand Mishra, learned counsel for
the petitioner and Sri Kumar Manish, learned SC-5.

The petitioner has approached this Court, invoking its writ jurisdiction under Article-226 of the Constitution of India, with a prayer to quash an order, contained in Memo No.545 dated 03.08.2012, whereby the claim of the petitioner for appointment on compassionate ground has been rejected on the ground that the application was filed after period of limitation i.e. after five years from the date of death of the employee. The claim for appointment on compassionate ground of the petitioner has been turned down by the District Compassionate Committee vide Annexure-3 to the writ petition i.e. the District Magistrate-cum- Chairman of the



District Compassionate Committee, District- East Champaran, Motihari. The father of the petitioner, who was a government employee, has left for heavenly abode on 25.08.2003, whereas the application for appointment on compassionate ground was filed on 12.05.2012 . Since there was government instruction, contained in letter No.6817 dated 25.05.1989, which describes the period of limitation for such appointment i.e. 5 years, the case of the petitioner was rejected on the ground that the application for appointment on compassionate ground was filed much after expiry of five years from the date of death of the employee.

Besides hearing learned counsel for the parties, I have also perused the materials available on record. It has not been disputed that the application for appointment on compassionate ground was filed after expiry of five years i.e. after limitation period. The Court is of the opinion that compassionate appointment is an exception to Articles 14 and 16 of the Constitution of India and if a scheme was framed and in the scheme there was period of limitation for filing an application for appointment on compassionate ground, any application filed after expiry of limitation period may not be entertained and, as such, the case of the petitioner has rightly been rejected.

Accordingly, the order impugned requires no



interference.

The writ petition stands dismissed.

(Rakesh Kumar, J)

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