

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9897 of 2015

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Sanjay Manjhi Son of late Nand Jee Manjhi Resident of Village- Shukldumar,P.S.-
Bhore, District Gopalganj.

.... Petitioner

Versus

1. The State of Bihar
2. The District Magistrate-cum-Chairman District Compassionate Appointment Committee, Gopalganj.
3. The sub-Divisional Officer, Hathua, District- Gopalganj.
4. The Sub-Divisional Police Officer, Hathua, District Gopalganj.
5. The Senior Deputy Collector Incharge, District General Administration Gopalganj.
6. The Circle Officer, Bhore Circle, District- Gopalganj
7. The Officer-in-charge, Bhore Police Station- Bhore, District- Gopalganj.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Srivastava, Advocate

For the Respondent/s : Mr. PANDEY S SAHAY

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA

ORAL JUDGMENT

Date: 11-09-2017

The petitioner has filed this writ petition for quashing the resolution dated 18.10.2014 made by the District Compassionate Appointment Committee headed by the District Magistrate, Gopalganj by which the appointment of the petitioner on compassionate ground was rejected on the ground that the petitioner did not file petition within five years from the date of death of his father, Late Nand Jee Manjhi, who was Chaukidar in Bhore Police Station and further for a direction to the respondents to consider the case of the petitioner for appointment on compassionate ground.

2. The facts of the case in short which is admitted that the



father of the petitioner was working as Chaukidar in Bhore Police Station. He died on 20.11.2008 while working as Chaukidar. The petitioner, being eldest son of his father, applied for compassionate appointment on 8.1.2009 while the petitioner was minor. The application of the petitioner was processed but the Appointment Committee for appointment on compassionate ground resolved that since the petitioner applied for appointment on the post of Chaukidar on compassionate ground was filed after five years from the date of death of his father and rejected the application of the petitioner vide order dated 18.10.2014.

3. Learned counsel for the petitioner submits that in fact the petitioner applied for appointment on 8.1.2009 within one year from the date of death of his father and the ground for rejecting the application of the petitioner for appointment on compassionate ground is that the petitioner applied after five years from the death of his father and, therefore, the order is bad and not sustainable.

4. Learned counsel for the State submits that the father of the petitioner died on 20.11.2008. The petitioner applied for appointment on compassionate ground while he was below 13 years old as the date of birth of the petitioner is 1.1.1996 which is disclosed in the petition. The petitioner was not eligible for appointment on compassionate ground. Accordingly, the Appointment Committee rejected the petition of the petitioner for appointment on



compassionate ground that the petitioner filed his petition for appointment on compassionate ground after five years from the date of the death of his father, the petition for appointment is barred by limitation therefore the order does not require any interference.

5. Having considered the submissions of the parties, I find that on the date of death of the father of the petitioner, the petitioner was admittedly minor and he was not even eligible for appointment on compassionate ground. The period for making application for the post for appointment on compassionate ground after death of the bread earner is five years. The petitioner made application for appointment after attaining the age of 18 years and, i.e., after more than five years from the date of the death of his father.

6. In the case of Anamika Rani (C.W.J.C. No.17038 of 2013), a Single Bench of this Court rejected the claim for appointment of Anamika Rani, the petitioner on compassionate ground on the ground of minority and the petitioner Anamika Rani remained minor even after lapse of five years from the death of her father. The Division Bench of this Court in the case of Anil Kumar Singh Vrs. State of Bihar and others reported in 1993(1) PLJR 414 held that after five years, the petitioner is not entitled to get appointment on compassionate ground. The Supreme Court also held in the case of Jagdish Prasad Vrs. State of Bihar and another reported in 1996(1) Supreme Court Cases 301 that the object of appointment is to



ameliorate the situation caused on account of death of bread earner but the petitioner was not eligible for appointment on the ground of minority for more than five years and the petitioner attained his majority only after more than five years from the date of death of his father and only thereafter the petitioner claimed to be appointed on the post of Chaukidar on compassionate ground. Therefore, the claim of the petitioner has rightly been dismissed.

7. Having considered the facts aforesaid, I do not find any merit in this application. Accordingly, the same is dismissed.

(Prabhat Kumar Jha, J)

N.H./-

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