

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.123 of 2017

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1. Rajiv Kumar, Son of Late Laxman Prasad Mandal and Husband of Late Meena Devi, resident of village - Kurban, P.O. and P.S. Beldaur, District - Khagaria

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna
2. The Principal Secretary, Health Department, Government of Bihar, Patna
3. The Director - in - Chief, Health Services, Health Department, Government of Bihar, Patna
4. The District Compassionate Committee, Khagaria through the Chairman - Cum - District Magistrate, Khagaria
5. The Civil Surgeon - Cum - Chief Medical Officer, Khagaria, District - Khagaria
6. The Incharge Medical Officer, Beldaur, District - Khagaria

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ajit Kumar Singh, Adv.

For the Respondent/s : Mr. Binod Kr. Yadav- SC18

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 15-05-2017

Heard the parties.

The wife of the petitioner died on 15.12.2008 while serving as an Auxiliary Nurse Midwifery and whereafter the petitioner filed an application for appointment on compassionate ground on 24.7.2009 vide Annexure-P/2 but thereafter has gone in a deep slumber. In between, a decision was taken to reject the claim of the petitioner for compassionate appointment by the Committee so constituted. The decision of the District Compassionate Appointment Committee is placed at Annexure-R/1 to the counter affidavit and the case of the petitioner is dealt at Item No. 9(vi) and has been rejected on grounds that he has crossed the prescribed age limit. This decision is dated



10.1.2010 and was circulated vide Memo No.3 dated 10.2.2010 but was never questioned. Although the petitioner has submitted that the decision was never communicated but then nothing was done from the petitioner's end either and he has woken up from his slumber after almost five years of such decision when he filed a representation on 6.12.2014 before the Establishment, Deputy Collector vide Annexure-P/5 series, before the District Magistrate on 15.1.2015 and again on 12.2.2015 and when he was informed by the Civil Surgeon vide memo No.1860 dated 29.10.2015 that his case was already rejected on age grounds. The petitioner yet did not chose to question the decision, though communicated on 29.10.2015 and it is the lapse of almost more than 14 months that the present writ petition is being filed.

The sequence of events clearly demonstrates a laid back luxurious conduct of the petitioner and for the continued lapse in pursuing his remedy, I am not persuaded to grant indulgence.

The writ petition is disposed of.

Bibhash/-

(Jyoti Saran, J)

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	26.05.2017
Transmission Date	NA

