

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.432 of 2015

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Keshav Kumar son of Late Nand Kishore Verma, resident of village-
Mahindwara, P.S.- Mahindwara, P.O.- Mahindwara, District- Sitamarhi

.... Petitioner

Versus

1. The State of Bihar
2. The Chief Secretary, Government of Bihar, Old Secretariat, Patna
3. The District Magistrate, Sitamarhi
4. The Sub-Divisional Officer, Sitamarhi Sadar, Sitamarhi
5. The S.H.O., P.S.- Runni Saidpur, District- Sitamarhi

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Kumod Kumar Shrivastaw

For the Respondent/s : Mr. AC to GP-1

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

3 23-01-2017 Heard Sri Kumod Kumar Shrivastava, learned
counsel for the petitioner and learned AC to GP-1.

The petitioner has approached this Court, invoking
its writ jurisdiction under Article-226 of the Constitution of India,
with a prayer to direct the Respondents to appoint him as
Chawkidar or on any equivalent post on compassionate ground
due to death of his father , who died in harness. It has further been
prayed to set aside the order dated 28.01.2014(Annexure-7 to the
writ petition), whereby the prayer for consideration of
appointment of the petitioner was rejected.

Learned counsel for the petitioner accepts that
while the petitioner was minor, his father, who was a Chawkidar,



had left for heavenly abode on 14.05.2004. After he attained his majority, the petitioner intended to file application for appointment on compassionate ground in view of Government Letter no.2822 dated 27.04.1995. The said application was filed by the petitioner on 30.06.2009. Thereafter his case was considered by the District Compassionate Appointment Committee and it was rejected on the ground that the application was filed even after expiry of five years, which was filed after delay of prescribed period for filing the application for appointment on compassionate ground. It was submitted that only delay of 46 days has occurred in filing the application and the reason for delay has been explained that the petitioner was suffering from disease jaundice.

The petitioner earlier had filed a writ petition, which was disposed of with a direction to consider the representation of the petitioner within specified time. The copy of the order passed in the writ petition has not been brought on record. Fact remains that the father of the petitioner died long back on 14.05.2004. It is also admitted that at the time of death, the petitioner was minor and he attained his majority on 24.01.2009. Thereafter, the representation of the petitioner was considered by the Respondents and considering the fact that the application was filed by the petitioner on 30.06.2009, which was after the expiry



of five years i.e. after the limitation period, the case of compassionate appointment was turned up by the District Compassionate Appointment Committee and the same order was reiterated.

Besides hearing learned counsel for the parties, I have also examined the materials available on record. The Court is of the opinion that the appointment on compassionate ground is itself an exception to Articles 14 and 16 of the Constitution of India. However, since the Government itself had prepared a scheme for providing compassionate appointment and if for providing such appointment, limitation period has been fixed, in that event any application filed after limitation period may not be entertained. It has rightly been considered by the District Compassionate Appointment Committee and the claim of the petitioner was rejected. I do not find any ground to interfere with the matter.

The writ petition stands dismissed.

(Rakesh Kumar, J)

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