

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5094 of 2011

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Md. Shahid Alam Late Md. Badru Jama Jondhi, P.O. and Police Station, Banke Bazar, District - Gaya.

.... Petitioner

Versus

1. The State Of Bihar
2. The District Magistrate, Gaya.
3. The Superintendent Of Police, Gaya.
4. Sub-Divisional Officer, Sherghati, District-Gaya.
5. Sub-Divisional Police Officer, Sherghati, District-Gaya.
6. Inspector Of Police, Ps-Banke Bazar, District-Gaya.
7. Officer-In-Charge, Banke Bazar Police Station, District-Gaya.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Md. Javed Jafar Khan, Advocate

For the Respondent/s : Mr. Awdhesh Kumar Pandey GA9

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

Date: 19-01-2018

Earlier, this writ application was dismissed in default but was restored vide order dated 20.09.2017 passed in MJC No. 1462/2016.

Today, when the matter has been called out once again a prayer has been made to pass over the matter which this Court declines.

Learned counsel for the State is present.

In this case where the petitioner is seeking his appointment on compassionate ground claiming that his father Late Md. Badru Jama died in harness as a Dafedar during his service on 05.05.2009, a counter affidavit has been filed on behalf of the State sworn as back as on 17.03.2015. A copy of



which was served on learned counsel for the petitioner on 16.07.2015, stating that, in fact, the father of the petitioner was a convict in a murder case and had been appointed as Dafedar in the year 1993 as he had suppressed this fact. It is also stated that after his release on bail in the said case when he tried to join in Banke Bazar Police station, he was not allowed to join and the Officer-in-Charge, Banke Bazar reported the matter to the District Magistrate, Gaya on 09.02.2002 for guidelines in the matter of father of the petitioner, as he was a convict in a murder case, and his appeal was pending in the Hon'ble High Court, Patna. The petitioner's father did not join and died on 05.05.2009 as a convict.

In paragraph-15 of the counter affidavit, it is stated as under:

“15. That it is humbly submitted that in fact Chaukidar himself was/is not eligible for appointment in Govt. service on compassionate ground for the reason that his father had taken service in 1993 by suppressing the fact of this conviction. And thus the petitioner's father was not eligible for appointment as Govt. Service. After the death of his father, the petitioner has wrongly claimed his service on compassionate ground and hence his application has not been sent to the District Compassionate Committee vide Judgement and order passed by the addl. Sessions Judge Vth Gaya in Session Trial No. 122/96-295/92 State Versus



Badruzamma on 20.12.2001.”

Having considered the materials available on the record, this Court is of the considered opinion that the writ application has no merit as the petitioner has got no constitutional or legal right to claim appointment on compassionate ground that too on the face of what has been stated in paragraph 15 of the counter affidavit which has not been controverted by filing any rejoinder on behalf of the petitioner.

This writ application has no merit. It is, accordingly, dismissed.

(Rajeev Ranjan Prasad, J.)

Rajeev/-

AFR/NAFR	NAFR
CA V DATE	NA
Uploading Date	19.01.2018
Transmission Date	NA

