

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4039 of 2016

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Anirudh Kumar Son of late Sumant Prasad Singh Resident of Village Amnour
Harnaryan Po Amnour P.s Amnour District Saran.

... .. Petitioner

Versus

1. The State Of Bihar through Principal Secretary ,, Home Police Department,Old Secretariat Govt. of Bihar, Patna
2. The Principal Secretary ,, Home Police Department,Old Secretariat Govt. of Bihar, Patna
3. The Commissioner, Saran Division, Chhapra.
4. The District Magistrate -cum-Collector, Saran at Chapra
5. The In-charge Deputy Collector, District General Administration Wing, Saran ,Chapra.
6. The Commandant General Bihar HHome Guard Unit Old secretariat Patna.
7. The Divisional Commandant ,Bihar HHome Guard Unit Old secretariat Patna.
8. The District Commandant , Bihar Home Guard Unit , Saran Chapra

... .. Respondents

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Appearance :

For the Petitioner/s	:	Mr. Mahesh Narayan Parbat, Sr. Advocate Mr. Ved Prakash Srivastva
For the Respondent/s	:	Mr.Anjani Kumar- Aag6

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 09-05-2019 Heard learned Senior Counsel appearing on behalf of
the petitioner as well as Counsel for the respondent State.

The writ petition has been filed seeking a direction upon the respondents for grant of compassionate appointment to the petitioner on the basis of resolution/circular dated 27.1.2006.

The brief background is that father of the petitioner was working as a Homeguard and was killed on 10.3.2004. The circular/resolution for compassionate appointment came on 27.1.2006 whereafter the petitioner has made his application.



For the first time in the year 2015, the petitioner made a representation after nine years of his original application. The same is Annexure 9 to the writ petition. Having filed such a representation the petitioner has preferred this writ petition for the relief of compassionate appointment after 12 years of the death of his father and ten years after he had made application for compassionate appointment . The writ petition filed in such casual manner at the own sweet will of the petitioner is barred by the principles of delay and laches. Such delayed claim is also opposed to the very concept of compassionate appointment.

The State has filed a counter affidavit. It is also their stand that the father of the petitioner was posted as Homeguard in Sonapur and was killed in Marhaura PS. Since he did not die on duty, the scheme of compassionate appointment relied upon by the petitioner is not applicable in the case of the petitioner. The Department has rejected his claim long back on 8.2.2008.

The reasons assigned by the respondents are also worth consideration and in view of the aforesaid circumstances this Court is not inclined to invoke its jurisdiction in favour of the petitioner.

The writ petition is dismissed.

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(Madhuresh Prasad, J)

