

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.16317 of 2019

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Ashok Kumar Sah, aged about 34 years, male, Son of Late Lakhan Lal Sah,
Resident of Village-Bobil, Post Office-Fulwadiya, Police Station-Beldaur,
District-Khagariya.

... .. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Home Department, Govt. of Bihar, Patna.
2. The Cabinet Secretary, Home Department, Government of Bihar, Patna.
3. The Additional Secretary, Home Department, Government of Bihar, Patna.
4. The Joint Secretary, Home Department, Government of Bihar, Patna.
5. The District Magistrate cum Compassionate Committee, Darbhanga.
6. The Establishment Deputy Collector, Darbhanga.
7. The Superintendent of Police, Khagariya.
8. The Samadeshta, Bihar Sainya Police (B.M.P.), Darbhanga.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar, Adv.

For the Respondent/s : Md. Nadim Seraj (GP-5)

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL JUDGMENT

Date : 22-08-2019

The petitioner had approached this Court earlier
vide C.W.J.C. No. 15407 of 2016 for a direction to the
respondent authorities to consider his case for being
appointed on compassionate ground in the event of death of



his father in harness on 21.10.2012.

2. This Court vide order dated 20.11.2018, passed in aforesaid C.W.J.C. No. 15407 of 2016 had directed the petitioner to file a representation before the Additional Secretary, Home Department, Govt. of Bihar, Patna seeking redressal of his grievances within a period of two weeks of the passing of the order and the concerned respondent No. 3 was put under an obligation of disposing off such application/representation within a period of eight weeks thereafter.

3. The petitioner, in the light of this Court's order dated 20.11.2018, made a representation before the Additional Secretary, Home Department, Govt. of Bihar, Patna, but not within the specified time frame of two weeks of passing of the order, but only after five and half months. For this delay in filing the representation, the case of the petitioner has not been considered and by order dated 23.05.2019, contained in Memo No. 4162, the application/representation of the petitioner has been rejected.



4. Though the petitioner approached the authority beyond the time prescribed by this Court; nonetheless, considering that the representation was for consideration of compassionate appointment, such strict and doctrinaire approach ought not to have been adopted by the concerned respondent.

5. This Court does not countenance the aforesaid reason for rejecting the claim of the petitioner without advertent to the merits of the claim.

6. The order impugned in the present petition dated 23.05.2019 is, therefore, set-aside.

7. On a fresh representation by the petitioner within a period of three weeks from today positively before the Additional Secretary, Home Department, Govt. of Bihar, Patna (respondent No. 3), the same shall be looked into by the concerned respondent, who after verifying the facts, ascertaining the entitlement of the petitioner as well as the scheme under which any compassionate appointment could be given to the petitioner, shall pass a reasoned order in accordance with law within a further period of ten weeks



thereafter.

8. With the aforesaid observation/direction, the writ petition stands allowed/disposed off.

(Ashutosh Kumar, J)

Praveen-II/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	23.08.2019
Transmission Date	N/A

