

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19058 of 2019

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1. Ranjeet Prasad, Son of Late Ram Gopal Prasad, Resident of Village-Rasalpur, P.S.-Fatuha, Distirct-Patna.
 2. Baljeet Kumar, Son of Late Ram Gopal Prasad, Resident of Village-Rasalpur, P.S.-Fatuha, Distirct-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Home Department Government of Bihar, Patna.
2. The Principal Secretary, Home Department Govt. of BIhar, Patna.
3. The Joint Secretary, Home Department Govt. of Bihar, Patna.
4. The Director General of Police, Bihar, Patna.
5. The Director General Commandant Bihar, Home Guard Police, Head Quarter, Patna.
6. The Commandant, Bihar Home Guard, Patna.
7. The Divisional Commandant, Tirhut Division Bihar, Home Guard, Muzaffarpur.
8. The District Officer (District Magistrate) Cum Chairman, District Compassionate Committee, District-Muzaffarpur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Arvind Kumar, Advocate
For the Respondent/s : Mr. Ruchikar Jha, AC to SC-8

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

3 04-11-2019 Heard learned counsel for the parties.

2. Facts need to be noted first before coming to the relief, which the petitioners are seeking. Petitioners' father was working as a constable in Bihar Home Guards. He died in harness on 18.09.2001. Petitioner no. 2 was hardly 10 years of age at the time of death of the deceased employee. Petitioner no. 1, the elder son of the deceased Ram Gopal Prasad, had applied



for compassionate appointment, which was rejected on 26.06.2003 by the Divisional Commandant, Tirhut Division, Bihar Home Guards, Muzaffarpur mainly on the ground that he did not hold the minimum qualification of 8th pass, as there was no provision under which he could be appointed against a Class-IV post without having qualification of 8th pass. Six years thereafter, the petitioner no. 2 passed his Matriculation examination in 2009 and Intermediate examination in 2011. It is petitioners' case that this time petitioner no. 2 applied for his appointment on compassionate ground which came to be rejected by order dated 03.06.2010 passed by the Commandant, Bihar Home Guards, Patna on the ground of his application being time barred. The said order dated 03.06.2010 is being assailed by filing the present writ application on 13.09.2019.

3. In response to a query made by this Court on the point of delay in filing the writ application, learned counsel appearing on behalf of the petitioners has submitted that the petitioners did not have any knowledge about rejection of the claim of petitioner no. 2 all these years and they learnt about passing of the impugned order only under the Right to Information Act.

4. If what has been stated in the writ application is to



be accepted, the petitioners are seeking direction for consideration of appointment of petitioner no. 2 by filing the present writ application in 2019 consequent upon death of his father in harness in 2001.

5. Admittedly, the petitioner no. 2 was 10 years of age when his father had died. He did not have the requisite qualification for being considering for next eight years. Claim of his elder brother for appointment on compassionate ground was considered and that was rejected in 2003 itself.

6. In the background of the facts as noted above, I do not find any case to be made out for issuance of direction. This writ application is dismissed as devoid of merit.

(Chakradhari Sharan Singh, J)

Rajesh/-

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