

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.6166 of 2021**

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Arun Kumar Paswan son of Sadafal Ram Resident of village - Nauhan, Police Station - Mufassil, Sasaram, District- Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, The Government of Bihar, Old Secretariat, Patna.
2. The Chief Secretary, the Government of Bihar, Old Secretariat, Patna.
3. The Principal Secretary, Home Department, the Government of Bihar, Old Secretariat, Patna.
4. The Commissioner, Patna Division, Patna.
5. The District Magistrate, Rohtas at Sasaram.
6. The Superintendent of Police, District - Rohtas at Sasaram.
7. The Deputy Superintendent of Police (HQ), District Rohtas at Sasaram.
8. The Sub divisional Appointment Committee, Sasaram District- Rohtas.
9. The Sub Divisional Officer, Sasaram Sub Division, District- Rohtas.
10. The Circle Officer, Sasaram Circle Office, District- Rohtas, Sasaram.
11. The Block Development Officer, Sasaram Block Office, District- Rohtas at Sasaram.
12. The Officer - in Charge, Muffasil Police Station, Sasaram District- Rohtas at Sasaram.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr.Rabi Bhushan Prasad No. 1, Advocate  
For the Respondent/s : Mr.P.K. Verma (Aag3)

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**CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI**  
**ORAL JUDGMENT**

**Date : 07-02-2022**

This matter is heard *via* video conferencing due to circumstances prevailing on account of the COVID-19 Pandemic.

In the instant petition, petitioner has prayed for the following relief(s):-

*“That the petitioner seeks indulgence of this Hon'ble Court for issuance of writ in the nature of writ of*



*certiorari for quashing of the order dated 08.05.2018 (Annexure-9) passed in file No. IX/27-2017 by the learned District Officer, Collectorate Rohtas at Sasaram whereby and where under the petitioner ' claim for compassionate appointment on the post of Chowkidar 11/9 has been arbitrarily and illegally rejected in light of letter No.1896 dated 05.06.2014 issued from Home (Police) Department, Government of Bihar giving reason petitioner (Arun Kumar Paswan) being nephew of Modafal Ram (11/9 Chowkidar) whereas this letter is not applicable in the case of the petitioner in the facts and circumstances of the case. The petitioner further seeks indulgence of this Hon'ble High Court for issuance of writ/ s/ direction/s/ order/ s commanding the respondent authorities to appoint the petitioner on compassionate ground on the post of Chowkidar 11/9 on the basis of nomination by his uncle Modatal Ram who gave application to the competent authority concerned with affidavit dated 25.01.2013 sworn before the Notary Public Sasaram (Bihar) regarding the nomination with affidavit declaration for appointment of the petitioner on compassionate ground only one time in exception of the rules in this regard and the matter has been kept pending for consideration before the authority for a very long time and in the mean time the 11/9 Chowkidar Modafal Ramretired on 31.10.2013 and the petitioner has been still working regularly on the said post of Chowkidar 11/9. The petitioner further has prayed for the admissible salary and all pecuniary benefits under the law from the date of retirement of the uncle of the petitioner since the petitioner should have been appointed on the post of Chowidar 11/9 in light of letter No.*



*11287 dated 20.12.1995 and according to this letter the petitioner being nephew of Chowkidar Modafal Ram was dependent and has been working regularly till today and in the year 2013 itself the petitioner was eligible to be appointed on the post of Chowkidar 11/9 as except to the rule for only one time. And further the petitioner has prayed for any other relief/ s for which the petitioner is found entitled to.”*

One Modafal Ram, Chowkidar, who is stated to be petitioner’s uncle and his uncle nominated petitioner’s name to be appointed as Chowkidar in his service tenure due to physical inability, thus, the petitioner has prayed for compassionate appointment. Modafal Ram, Chowkidar retired from service on 31.10.2013 from the Mufassil Police Station, Rohtas at Sasaram.

Petitioner could not apprise this Court for delay and laches and so also under which Rules/Scheme of compassionate appointment if his uncle declares nomination during his service period in that event his nephew is entitled to be appointed. In the absence of aforesaid documents, the petitioner’s petition cannot be entertained. Moreover, on account of delay and laches of the petitioner in seeking compassionate appointment, the present writ petition stands dismissed.

Vikash/-

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(P. B. Bajanthri, J)

