

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5215 of 2021

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Puja Birendra Singh Daughter of Late Birendra Kumar Singh Resident of
Village- Bakhorapur, P.S.- Barhara, District- Bhojpur at Ara.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Bihar, Patna.
2. The Director General of Police, Bihar, Patna.
3. The Inspector General of Police, Bhagalpur Division, Bhagalpur.
4. The Deputy Inspector General of Police, Bhagalpur Range, Bhagalpur.
5. The Senior Superintendent of Police, Bhagalpur.
6. The Deputy Superintendent of Police, Bhagalpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ravi Ranjan
For the Respondent/s : Mr. Lalit Kishore (AG)

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

Date : 10-03-2022

Heard learned counsel for the parties.

In the instant petition, petitioner has prayed for the
following relief/reliefs:

*“That this is an application for
issuance of an appropriate writ/writs
order/orders direction/directions to the
respondents to appoint the petitioner on the
post of Constable as well as for sating aside
the order contained in Memo No. 5127 dated*



02.10.2019 passed from the Officer of Senior Superintendent of Police, Bhagalpur whereby the petitioner has been informed that her application for the appointment on the compassionate ground has been rejected on the ground of limitation.”

Birendra Kumar Singh, the then Assistant Sub-Inspector, was stated to have been killed in an encounter at Bhagalpur on 13.05.1992. Arising out of aforesaid factual aspect, the deceased's brother-in-law submitted application for compassionate appointment and it was rejected. Thereafter, wife of deceased-Birendra Kumar Singh applied and she has also died. Now, daughter of the deceased employee Puja Birendra Singh has presented this petition seeking compassionate appointment. Having regard to the delay and laches in seeking compassionate appointment timely with reference to the untimely death of the deceased-Birendra Kumar Singh on 13.05.1992, the petitioner is not entitled to the relief in the light of the Apex Court decisions in the following cases:

“(i) Union of India & Another vs. Shashank Goswami & Another reported in 2012 (11) SCC 307.



(ii) Shreejith L. vs. Deputy Director (Education) Kerala and Others reported in 2012 7 SCC 248.

(iii) Dhalla Ram vs. Union of India And Others reported in 1997 (11) SCC 201.

(iv) State of Uttar Pradesh and Others vs. Premlata reported in 2022 (1) SCC 30.”

At this juncture, learned counsel for the petitioner submitted that petitioner's family/legal heirs have not been paid ex gratia amount with reference to the deceased-Birendra Kumar Singh's death in an encounter at Bhagalpur. In this regard, the petitioner is stated to have submitted representation, however, the representation is not in detail. Therefore, petitioner is hereby directed to submit a detailed representation. If any policy decision is prevailing in the State of Bihar, in that event, petitioner may also assist the authority in producing or citing the relevant memo. If such representation is submitted, the competent authority is hereby directed to examine the petitioner's grievance relating to whether legal heirs of the deceased-Birendra Kumar Singh are entitled to any ex gratia amount or not. If they are entitled, the same shall be examined and extended. If legal heirs of the deceased are not entitled, in



that event, a necessary speaking order shall be passed and communicated to the petitioner. The above exercise shall be completed within a period of three months from the date of receipt of petitioner’s representation.

With the above observation, writ petition stands disposed of.

(P. B. Bajanthri, J)

Ankit/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	12.03.2022
Transmission Date	NA

