

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8045 of 2021

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Ajit Kumar sonof Late Ram lal Paswan resident of village - Vishunpur
Mangal, P.O. - Rajla, P.S. - Kurhani, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Old Secretariat, Patna.
2. The Additional Chief Secretary, Home Department, Government of Bihar, Old Secretariat, Patna.
3. The District Magistrate, Muzaffarpur.
4. The Senior Deputy District Collector, Incharge District General Section, Muzaffarpur.
5. The Senior Superintendent of Police, Muzaffarpur.
6. The Circle Officer, Kurhani Circle, Muzaffarpur.
7. The Station Head Officer, Police Station Kurhani, Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Santosh Kumar
	:	Dr. Bipin Chandra
For the Respondent/s	:	Mr.Manish Kumar, AGP 4

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL JUDGMENT
Date : 14-02-2022

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

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

“That this is an application for issuance of a writ of mandamus or any other appropriate writ or direction or order for quashing the order containing Memo No. 061/sa, dated – 27.12.2019 issued by the respondent No. 4, The Senior



Deputy District Collector, Incharge District General Section, Muzaffarpur. Which has been issued in the most contrary, illegal and arbitrary manners and the same is violative of Articles 14, 16 and 21 of the constitution of India and also the same is violative of the rules, circulars and notifications for the appointment on compassionate ground under the Bihar Service Code.”

3. Petitioner’s father died on 11.05.2005. Petitioner submitted an application on 16.05.2018 in seeking compassionate appointment on the score that he has passed Madhyama in the year 2017. As on the date of death of deceased employee on 11.05.2005 undisputedly, petitioner was a minor therefore, petitioner is not entitled to relief of compassionate appointment on the ground of delay and laches. Petitioner’s family survived from 2005 to 2018. Apex Court in the following decisions explained delay and laches in rejecting claim of the concerned persons who claims for compassionate appointment. They are:

(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.



4. In the light of aforesaid decisions and principles laid down on the issue of delay and laches, the present petition stands dismissed.

(P. B. Bajanthri, J)

GAURAV S./-

AFR/NAFR	
CAV DATE	
Uploading Date	22.02.2022
Transmission Date	

