

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5339 of 2021

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Munna Kumar Son of Late Arjun Yadav Resident of Village- Bhulan Bigha,
P.S.- Hisua, District- Nawada.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Home, Government of Bihar, Patna.
2. The District Magistrate-cum- Collector, Nawada, District- Nawada.
3. The Superintendent of Police, Nawada, District- Nawada.
4. The Sub Divisional Police Officer, Nawada, District- Nawada.
5. The Sub Divisional Police Officer, Nawada, District- Nawada.
6. The Circle Officer Hisua Circle, District- Nawada.
7. The Block Development Officer Hisua Block, Nawada.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar Verma
For the Respondent/s : Mr. Lalit Kishore (AG)

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

Date : 10-02-2022

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

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

“(i) For issuance of writ/writs in the nature of mandamus commanding the respondents to immediately appoint this petitioner on compassionate ground in lieu of his father who died in harness.

(ii) For commanding the respondents as to why this petitioner has not been appointed on compassionate ground since his father has been



died while discharging the government duty on the post of Chowkidar.

(iii) For commanding the respondents as to why this petitioner has not been appointed on compassionate ground since the mother and brother as well as sisters of petitioner's sworn an affidavit that this petitioner should be appointed in lieu of his father.

(iv) For any other writ/writs, order orders, direction/directions as this Hon'ble Court may deem fit and proper as the facts and circumstances of this case."

The petitioner's father late Arjun Prasad was died on 05.06.2010 such death certificate was issued on 03.07.2010 as is evident from Annexure-1. In the pleadings, petitioner has stated that his father died on 05.06.2020. The petitioner submitted application for compassionate appointment on 26.09.2018. It seems petitioner was minor at the relevant point of time as on the date of his father's death.

In the light of these facts and circumstances, there is inordinate delay and laches for seeking compassionate appointment in the year 2018. Thus, there is no infirmity in rejecting the petitioner's claim for compassionate appointment. The Hon'ble Apex Court time and again has held that compassionate appointment is not a fundamental right so as to claim, as a matter of right. Moreover, the petitioner's family survived from 2010 to 2018. The object in providing compassionate appointment is to meet harness in the family.

Hon'ble Apex Court in the following decisions



elaborately considered issue of delay.

(i) **Union of Inida and Another Vs. Shashank Goswami and Another** reported in **(2012) 11 SCC 307**.

(ii) **Shreejith Vs. Deputy Director (Education) Kerala & Ors.** reported in **(2012) 7 SCC 248**.

(iii) **Dhallaram Vs. Union of India & Ors.** reported in **(1997) 11 SCC 201**.

In the light of these facts and circumstances, the petitioner has not made out his case for appointment

Accordingly, the writ petition, stands dismissed.

(P. B. Bajanthri, J)

kamlesh/-

AFR/NAFR	NA
CAV DATE	NA
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