

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5665 of 2021

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Upendra Kumar Son of Late Shyam Dahin Ravidas, Resident of Village - Mai, Police Station- Hilsa, District - Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary Home Department (Police), Government of Bihar, Patna.
2. The Director General of Police, Bihar, Patna.
3. The Inspector General of Police, Bhagalpur.
4. The Deputy Inspector General of Police, Bihar Military Police, House Circle, Muzaffarpur, Bihar.
5. The Commandant, B.M.P.- 7, Kaithar.
6. The District Welfare Officer, Sadar, Bhagalpur.
7. The Sub-Divisional Officer, Sadar, Bhagalpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Achintya Anand, Advocate
For the Respondent/s : Mr. Sheo Shankar Prasad, SC 8

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

Date : 04-02-2022

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):-

“(i) For quashing the Letter vide Memo No. 1139 dated 10.06.2020 as contained in Annexure-11, issued under the signature of the Commandant, B.M.P.-7, Katihar (Respondent No.5) whereby and where under he pleased to reject the application of the petitioner for appointment to the post of constable on compassionate ground merely on the basis of the application of the petitioner is time barred.



*(ii) Any other relief or reliefs
to which the petitioner (i) be deemed
entitled for.”*

Short question for consideration is whether the petitioner is entitled to compassionate appointment or not?

Petitioner's father died on 15.09.2011 whereas application for compassionate appointment was submitted on 18.12.2019 which was not within the five years, therefore, the concerned respondent has rejected the petitioner's claim for compassionate appointment. Hon'ble Apex Court time and again held that the compassionate appointment is not a fundamental right. Therefore, there is no infirmity in the impugned order in rejecting the petitioner's claim for compassionate appointment on the ground of delay. Hence, no interference is called for in respect of impugned order dated 10.06.2020 (Annexure-11).

Accordingly, the present writ petition stands dismissed.

(P. B. Bajanthri, J)

Vikash/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	
Transmission Date	N/A

