

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2443 of 2022

Shambhu Paswan S/o Late Ram Dayal Paswan, Resident of Village and P.O.
and P.S.-Belsand, Ward No.1, District Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Genral Administration Departemnt, Bihar, Patna.
2. The Principal Secretary, Bihar State Good and Civil Supplies Corporation Ltd. Bihar, Patna.
3. The Managing Director, Bihar State Food and Civil Supplies Corporation Ltd. Bihar, Patna.
4. The Administration in Chief, Bihar State Food and Civil Supplies Corporation Ltd. Bihar, Patna.
5. The District Manager, Bihar State Food and Civil Supplies Corporation, Sitamarhi.
6. The District Magistrte, Sitamarhi.
7. The Block Development Officer, Belsand, Sitamarhi.
8. Ram bachan Paswan Son of Ram Dayal Paswan Resident of Vilage and P.S. and P.O.-Beldand, Ward No.1, District-Sitamarhi.
9. Vishwanath Paswan Son of Ram Dayal Paswan Resident of Vilage and P.S. and P.O.-Beldand, Ward No.1, District-Sitamarhi.
10. Shankar Paswan Son of Ram Dayal Paswan Resident of Vilage and P.S. and P.O.-Beldand, Ward No.1, District-Sitamarhi.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Raju Kumar
For the Respondent/s	:	Mr. Md. Nadim Seraj

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL JUDGMENT
Date : 02-03-2022

Heard learned counsel for the parties.

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

*“That in the instant writ
application has been filed inter alia
for the following relief/s:*

(I) To issue an appropriate



order/s, direction/s including a writ preferably in nature of mandamus commanding and directing upon the respondent N. 3 to appoint the petitioner on compassionate ground to any other suitable post to which he is eligible.

(II) To direct the respondent no.3 to appoint the petitioner on compassionate ground taking into the consideration that his father died in harness on 03.02.1994, posted in the office of respondent No.5 at Runnisaidpur against class IV post, i.e., Nigh Guard.

(III) To direct the respondent No. 3 to appoint the petitioner on compassionate ground taking into the consideration that similarly situated persons have been provided job on compassionate ground. In the department of Bihar State Good &



*Civil Supplies Corporation Ltd. in the
State of Bihar.*

*(IV) To any other relief/s to
which the petitioner may be entitled in
the facts and circumstances of the
case.”*

The petitioner's father died in harness on 03.02.1994 while he was working in the office of respondent no.5 against one of the Class IV post, namely, Night Guard. The petitioner has presented this petition seeking compassionate appointment without furnishing the date on which the petitioner has submitted application for compassionate appointment in this petition.

The object of providing compassionate appointment is to meet harness in the family. Hon'ble Apex Court, time and again, held that there is no vested or legal right in respect of claiming compassionate appointment and it was also held that it is not a fundamental right. In the following four decisions, Hon'ble Apex Court has examined in detail under what circumstances compassionate appointment litigation cannot be entertained:

“(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.”*

Moreover, the petitioner’s family survived from 03.02.1994 till the date of presentation of this petition, therefore, the object of providing compassionate appointment is defeated.

In the light of these facts and circumstances and the principle laid down in the aforesaid decisions, the present petition stands dismissed on the ground of delay and laches.

(P. B. Bajanthri, J)

Ankit/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	08.03.2022
Transmission Date	NA

