

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6083 of 2021

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Chanchal Paswan Son of Late Chhedi Paswan, resident of Village - Kundi, Jamgaon, near Kali Mandir, Ward No. 1, P.O. Puraini, P.S. Jagdishpur, District – Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The District Magistrate, Bhagalpur.
3. The Superintendent of Police, Bhagalpur.
4. The Officer In-charge Jagdispur Police Station, District - Bhagalpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Brij Nandad Prasad, Advocate
For the Respondent/s : Mr. Lalit Kishore (AG)

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

Date : 07-02-2022

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 issuance of writ in the nature of Mandamus commanding and directing the respondents, specially District Magistrate, Bhagalpur, Respondent no.2 to appoint the petitioner on the post of Chawkidar on compassionate ground on the death of his father who died during his service period.



(ii) For holding and declaration that petitioner deserves ii. to get his appointment on compassionate ground on the death of his father during the service period on the post of Chowkidar. And/ or pass such other order or orders as deem fit and proper in the interest of Justice.”

Undisputedly, on account of death of petitioner's father, namely, late Chhedi Paswan in the year 1985, petitioner has presented this petition for compassionate appointment.

Learned counsel for the petitioner is unable to apprise this Court the date on which petitioner has filed application for compassionate appointment.

Hon'ble Apex Court time and again held that belated claim for compassionate appointment is not permissible and it is deprecated that there is no fundamental right to claim compassionate appointment. That apart, late Chhedi Paswan died in the year 1985 petitioner's family survived from 1985 to the date on which present petition is presented. Therefore, the very object of providing compassionate appointment is to meet harness in the family.

Hon'ble Apex Court in the case of **State of Jammu and Kashmir vs. R.K. Zalpuri and Others; (AIR 2016 SC 3006)**, in paragraph 20 it is held that belated litigation cannot be entertained.



In the light of these facts and circumstances, the petitioner has not made out a case. Accordingly, the present petition stands dismissed on the ground of delay and laches.

(P. B. Bajanthri, J)

Vikash/-

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

