

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1725 of 2018

In
Civil Writ Jurisdiction Case No.13714 of 2013

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Md. Raushan Parwez son of Late Aash Mohammad, Resident of Village and
P.O. Pawna, P.S. Pawna, District- Bhojpur.

... .. Appellant/s

Versus

1. The State Of Bihar and Ors
2. The Commissioner-cum- Secretary, Rural Works Department, Bihar, Patna.
3. The Chief Engineer-3, Rural Works Department, Bihar, Patna,
Vishweshwaraia Bhawan, Patna.
4. The Secretary, Road Construction Department, Bihar, Patna.
5. The Deputy Secretary, Road Construction Department, Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Nagendra Prasad Yadav No-1
For the Respondent/s : Mr.P.N. Shahi- Aag6

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 07-12-2022

Heard I.A. No. 02 of 2022 for condonation of delay
of 2 years and 15 days in filing the present Letters Patent
Appeal. For the reasons stated in the application and the
affidavit, delay of 2 years and 15 days in filing the present
Letters Patent Appeal in the light of Apex Court's decision delay
with reference to COVID-19, delay is condoned.

Heard the matter on merits with the consent of the
respective counsel for the parties. The appellant grievance is for



compassionate appointment before the respondent State.

Appellant's father died on 18.06.1998 when appellant was aged about six years. He has attained major in the year 2010 and he had submitted application on 10.02.2010. Respondent State have rejected the claim of the appellant on the ground of belated submission of application.

Learned counsel for the appellant submitted that in the light of later policy decision of the year 2019 is assisting the case of the appellant.

The aforesaid contention of the appellant that new policy of the year 2019 is applicable to appellant's case with reference to his application dated 10.02.2010 for compassionate appointment is not maintainable in the light of Apex Court's decision in ***Delhi Jal Board vs. Nirmala Devi 2022 (Live Law) (SC) 863/ C.A. 7047 of 2022 Decided on 19.10.2022, para 6 and 7.***

Further, it is to be noticed that the very object of compassionate appointment is to meet immediate harness in the family. In the present case family sustained from the year 1998 to 2010, therefore, appellant has no fundamental right to claim compassionate appointment.

The Apex Court in the following decisions have



examined the delay and applicability of policy.

(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.

In the light of these judicial pronouncements and the fact that the appellant’s application is belated, accordingly, appeal stands dismissed while confirming the order of the learned Single Judge.

(P. B. Bajanthri, J)

(Purnendu Singh, J)

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AFR/NAFR	NAFR
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