

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.8864 of 2021**

Shiv Chandra @ Shiv Chandra Jha Son of Late Binod Kumar Jha @ Binod Chandra Jha, Resident of Village - Sohrai, P.S. - Sakri, District - Madhubani.  
... .. Petitioner/s

Versus

1. The State of Bihar through Registrar Co-operative Department, Government of Bihar, Patna.
2. The Director, Co-Operative Department, Government of Bihar, Patna.
3. The Chairman, Rahika, Central Co-operative Bank Ltd., District - Madhubani.
4. The District Magistrate, Madhubani, District - Madhubani.
5. The Additional Collector, Establishment, Madhubani, District - Madhubani.
6. The Managing Director, Rahika Central Co-operative Bank Ltd., Madhubani, District - Madhubani.
7. The Branch Manager, Pandaul, Rahika Central Co-operative Bank Ltd., Madhubani, District - Madhubani.
8. The Branch Manager, Rahika, Central Co-operative Bank Ltd., Madhubani, District - Madhubani.

... .. Respondent/s

**Appearance :**

For the Petitioner/s : Mr. Subhash Kumar Jha  
For the Respondent/s : Mr. Purushottam Jha

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

**Date : 16-02-2022**

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

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

“That the present application is being filed to issue a writ in the nature of mandamus to commanding the respondents authorities to appoint the petitioner on compassionate ground in place of death of his father during his service period on 04.12.2010 and matter for appointment of petitioner on compassionate ground is pending before the authorities since a long.”



3. Petitioner's father died on 04.12.2010. The petitioner is stated to have submitted application along with requisite documents in the year 2011 whereas the present petition is presented in the year 2021. The explanation for undue delay and laches from 2011 to 2021 is not forthcoming from the pleadings. Matter relates to compassionate appointment and it is required to be provided to meet immediate harness in the family. Petitioner's father died in the year 2010 and family of the petitioner survived for these many years.

4. The Apex Court time and again held that compassionate appointment is not a fundamental right and if there is belated claim, such claim cannot be entertained. Moreover Apex Court in the case of ***State of Jammu and Kashmir V/s. R.K. Zalpuri and others*** reported in **AIR 2016 SC 3006, Paragraph-20** which is held as under:

*“20. Having stated thus, it is useful to refer to a passage from City and Industrial Development Corporation V/s.Dosu Aardeshir Bhiwandiwalla and others {(2009) 1 SCC 168}, wherein this Court while dwelling upon jurisdiction under Article 226 of the Constitution, has expressed thus:-*

*“The Court while exercising its jurisdiction under Article 226 is duty-bound to consider whether:*

*(a) Adjudication of writ petition involves any complex and disputed question of facts and whether they can be satisfactorily resolved;*

*(b) The petition reveals all material facts;*

*(c) The petitioner has any alternative or effective remedy for the resolution of the dispute;*



- (d) Person invoking the jurisdiction is guilty of unexplained delay and laches;
- (e) *Ex facie* barred by any laws of limitation;
- (f) Grant of relief is against public policy or barred by any valid law; and host of other factors”.

5. Further, Apex Court in the following four decisions examined delay and laches in respect of claiming compassionate appointment. These are:

- (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.**

6. In the light of the principles laid down in the aforesaid decisions, the present petition stands dismissed on the ground of delay and laches.

(P. B. Bajanthri, J)

GAURAV S./-

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