

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9982 of 2021

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Puja Kumari Wife of Vinod Sharma Resident of Vill.-Manimapur, Police Station-Tekari in the District of Gaya

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Animal Husbandry Department, Government of Bihar, Patna.
2. The Principal Secretary, Animal Husbandry Department, Government of Bihar, Patna.
3. The District Compassionate Appointment Committee, through its Chairman-Cum-District-Magistrate, Gaya.
4. The District Magistrate-Cum-Collector, Gaya.
5. The Regional Deputy Director, Animal Husbandry Department, magadh Division, Gaya.
6. The District Animal Husbandry Officer, Gaya.
7. The Sub-Divisional Animal Husbandry Officer, Gaya Sadar in the District of Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar, Advocate
For the Respondent/s : Mr. Lalit Kishore (AG)

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

Date : 18-02-2022

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

Learned State counsel accepts notice for respondents.

Learned counsel for the petitioner is hereby directed to furnish a copy of the petition to learned counsel for the State if it not already furnished.

In the instant petition, petitioner has prayed for the following relief(s):-



“(i) To quash the minutes of the meeting of The District Compassionate Appointment Committee dated- 06.01.2020 only to extent by which the application of the petitioner for her appointment on compassionate ground has been rejected in most illegal and arbitrary manner.

(ii) Also to direct the respondent to consider the case of the petitioner for her appointment on compassionate ground as father of the petitioner died in harness on 17.10.2007 when he was posted as peon in the office of Sub-divisional Animal Husbandry Officer, Gaya sadar in the district of Gaya.

(iii) Also for any other relief/reliefs for which the petitioner is found to be entitled in the eye of law.”

Brief facts of the case is that petitioner's father died in harness on 17.10.2007. Petitioner is stated to have filed application on 21.06.2011, thereafter, one more application was submitted on 03.07.2019. The petitioner had a cause of within a period of five years from the death of his father on 17.10.2007. There is no explanation of delay between 17.10.2007 to 21.06.2011. There is also no explanation of delay from 21.06.2011 to 03.07.2019, the date on which second application was submitted.



In the light of these facts and circumstances, the present petition is barred by limitation in view of the the following three decisions of Hon'ble Apex Court in respect of delay and laches:-

(I) Union of India vs. Shashank Goswami reported in (2012) 11 SCC 307,

(ii) Shreejith L. vs. Director of Education, Kerala reported in (2012) 7 SCC 248,

(iii) Dhalla Ram vs. Union of India reported in (1997) 11 SCC 201.

In the aforesaid decisions, the Hon'ble Apex Court has held that belated application for compassionate appointment shall not be entertained. Accordingly, the present petition stands dismissed on the ground of delay and laches. Moreover, petitioner has no fundamental right to seek compassionate appointment in view of the latest decision of Hon'ble Apex Court in the case of **State of Uttar Pradesh and Others vs. Premlata** reported in **(2022) 1 SCC 30**.

(P. B. Bajanthri, J)

Vikash/-

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

