

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9351 of 2020

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Ram Pravesh Paswan S/o Late Thithar Paswan resident of Village and P.o.
and P.s.- Kathua, District- Madhubani

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of General Administration, Bihar, Patna
2. The Principal Secretary (Home) Police Department, Bihar, patna
3. The District Magistrate Madhubani
4. The Superintendent of Police Madhubani
5. The Dupty Collector Establishment, Madhubani
6. The Officer Incharge Lakhnaur P.S. Lakhnaur, District- Madhubani

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ratanakar Jha
For the Respondent/s : Mr.Lalit Kishore (Ag)

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL JUDGMENT
Date : 04-01-2022

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 reliefs/reliefs:

“(i) To issue an appropriate order/s, direction/s including a writ preferably in the nature of mandamus commanding and directing upon the respondents to appoint the petitioner on compassionate ground whose father died in the harness on 14.12.2009 while working to the post of Chowkidar bearing no. 13/12 posted in the Lakhnaur police station.

(ii) To direct the respondents to consider the case of the petitioner for his appointment on compassionate ground and appoint him accordingly as early as possible as such the petitioner and his family members were dependent upon the deceased employee.



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

3. There is enormous delay and laches on the part of the petitioner as cause of action accrued to the petitioner in seeking compassionate appointment as and when his father died on 14.12.2009. Apex Court time and again held that compassionate appointment is not fundamental right so as to agitate. That apart petitioner's family sustained from 2009 to this day. The object of providing compassionate appointment is to meet immediate harness in the family. In the light of these facts and circumstances, the petitioner has not made out a case on the ground of delay and laches. The 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*** has 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”

One of the issue in the aforesaid decision of the Apex Court is to entertain a petition under Article 226 to examine delay and laches.

4. Accordingly, writ petitions stands dismissed.

(P. B. Bajanthri, J)

GAURAV S./-

AFR/NAFR	
CAV DATE	
Uploading Date	07.01.2022
Transmission Date	

