

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10158 of 2020

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Bali Rai @ Baliram Yadav Son of Late Bandhu Rai @ Bandhu Yadav,
Resident of Village - Chandpur, P.S. Siswan, District - Siwan (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar Through Registrar cooperative societies, Bihar, Patna.
2. Administrator Bihar Co-operative Federation Limited Budh Marge, Patna.
3. The Managing Director Head Office The Chapra District Central co-operation Bank Limited, Chapra Pin- 841301 (Bihar).

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Vijay Kumar Mishra
For the Respondent/s : Mr.Lalit Kishore (Ag)

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

Date : 07-01-2022

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

“That this mandamus writ application has been filed for issuance of direction to the respondent no. -2 For appointment of the petitioner on class III or IVth for post on the ground of compassionate ground in any central co-operative bank in Bihar As requested by Managing Director the Chapra District Central co-operative Bank Ltd. Head office Chapra vide Reference no. - 349 dated 21-08-2020 which is pending before respondent no.-2 Administrator Bihar co-operative Federation Ltd. Budha Marg Patna. Since 21.08.2000.”

3. Petitioner’s father died on 24.10.1998. Petitioner is stated to have approached the respondent Bank in the year 2000 and thereafter he was making correspondence. There is enormous delay and laches on the part of the petitioner in approaching this



Court. The object of providing compassionate appointment is to meet immediate harness in the family. The petitioner's family survived from 24.10.1998 to this day, therefore, there is no need of compassionate appointment in the family at this distance of time. Apex Court held that compassionate appointment is not a fundamental right. The petitioner had a cause of action in the year 1998 for a period of about three years with reference to limitation period. 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”

Underline emphasized



One of the principle laid down in the aforesaid decision of the Apex Court is that to entertain a writ petition Court has to examine delay and laches.

4. Perusal of the dates and events it is evident that the present petition is hopelessly barred by delay and laches.

5. Accordingly, writ petition is dismissed.

(P. B. Bajanthri, J)

GAURAV S./-

AFR/NAFR	
CAV DATE	
Uploading Date	12.01.2022
Transmission Date	

