

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10087 of 2020

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Sudhir Kumar S/o Late Nathuni Mochi R/o Asrsafpur,Dani, P.S.- Kewati,
Distt- Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Deptt. of Home, Govt. of Bihar, Patna.
2. The Home Secretary, Deptt. of Home, Govt. of Bihar, Patna.
3. The Commandant, Bihar Military Police-2 Dehari-on-Son, Rohtas.
4. The Director General of Police, Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Prafull Chandra Thakur
For the Respondent/s : Mr. Manish Kumar, GP-4

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

Date : 24-03-2022

Heard learned counsels for the parties.

In the instant petition, petitioner has prayed for
following reliefs:-

“That this application in being
filed for issuance of a writ preferably in the
nature of Mandamus commanding and
directing the Respondent Concerned to
appoint the petitioner as sipahi in Bihar
Military Police on the ground that the
Father of the petitioner is died in harness on
1.8.2008 when he was posted in BMP-2
Dehri-on-son, Rohtas And/or any other
relief/reliefs for which the petitioner in
found entitled to in the facts and
circumstance of the case.”

Undisputed facts are that petitioner’s father died
while he was in service on 01.08.2008 when he was working in



BMP-2, Dehri-on-Son, Rohtas. Petitioner for the first time submitted application for compassionate appointment in the year 2016 after lapse of nearly eight years. Petitioner was not qualified with matriculation as on the date of submission of application. Thus, respondents had not considered the name of the petitioner for selection and appointment on the post of Group-D or Group-C on the compassionate ground.

Heard learned counsel for the petitioner.

Perusal of the dates and events, it is crystal clear that there is delay and laches on the part of the petitioner in seeking compassionate appointment. The very object of providing compassionate appointment is to meet immediate harness in the family. Apex Court held that compassionate appointment is not a fundamental right.

In the following cases Apex Court has examined the delay and laches in respect of compassionate appointment:-

(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 facts and circumstances, petitioner has not made out a case. Hence, the present writ petition stands dismissed.

(P. B. Bajanthri, J)

rakhi/-

AFR/NAFR	
CAV DATE	
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