

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17822 of 2014

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Sima Kumari daughter of late Shakuni Devi and late Jagdish Rai resident of village Bishwanathpur, Police Station Dumra, District Sitamarhi.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The District Magistrate, Sitamarhi, District Sitamarhi.
3. The Sub Divisional Officer, Sadar Subdivision, Sitamarhi, District Sitamarhi.
4. The District Establishment Deputy Collector, Sitamarhi, District Sitamarhi.
5. The Circle Officer, Dumra, Sitamarhi, District Sitamarhi.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ravindra Nath Dubey, Advocate
For the Respondent/s : Mr. Sattavrat, AC to GP 10

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 28-11-2022

Learned counsel for the petitioner submits that he has no objection to the matter being heard by the Division Bench.

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s):-

“That this writ application is being filed for appropriate writ/writs, order/orders, direction/directions for quashing the Letter dated 7.8.2014 bearing Memo No. 1073 dated 07.08.2014 issued under the signature of Respondent No. 3 by which the Respondent No. 3 informed the



petitioner that application of the petitioner for compassionate appointment has been rejected on the ground of time barred without examining the fact that the application was received in the office of Respondent No. 3 on 19.11.2010 and further direct the Respondent No. 2 and 3 to consider the claim of the petitioner for appointment on compassionate ground because the application filed by the petitioner is within time and appoint the petitioner on the compassionate ground and further for any other relief/reliefs as the petitioner is found entitled to in the facts and circumstances of the case.”

It is the petitioner’s case that upon attaining the age of maturity and eligibility, the petitioner applied for compassionate appointment. This was on 16th of November, 2010, purported proof of such request made in writing is the entry of one application made in the receipt register Annexure-3/1 (page 18), indicating that the same was received on 23.9.2010.

It is in this backdrop, we are of the considered view that communication dated 14.2.2013 (Annexure 4, page 19), that of respondent no. 3, namely, the Sub Divisional Officer, Sadar Subdivision, Sitamarhi, District Sitamarhi, leading to the rejection of the petitioner’s request vide



communication dated 6.8.2014 (Annexure 6 page 21) requires to be reconsidered.

It is a matter of record that as on the date of the death of the petitioner's mother, the petitioner was just 16 years of age and upon attaining eligibility, he had, as is so averred, promptly moved the said application.

As such communication dated 14.2.2013 (Annexure 4) and communication dated 6.8.2014 (Annexure 6) Annexure 6 are quashed and set aside with the direction to the respondent no. 3, namely, the Sub Divisional Officer, Sadar Subdivision, Sitamarhi, District Sitamarhi, to consider the matter afresh in the light of Annexure 3.

Liberty reserved to the petitioner to place additional material before respondent no. 3, namely, the Sub Divisional Officer, Sadar Subdivision, Sitamarhi, District Sitamarhi.

The said authority shall positively take a decision on the petitioner's request, in accordance with law, within a period of three months, thereafter.

Needless to add, liberty reserved to the petitioner to seek appropriate remedies, should the need so arise subsequently.



The instant application stands disposed of in the
aforesaid terms.

Interlocutory application(s), if any, shall also stand
disposed of.

(Sanjay Karol, CJ)

(Partha Sarthy, J)

Spd/-PKP

AFR/NAFR	
CAV DATE	
Uploading Date	29.11.2022
Transmission Date	

