

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.515 of 2018

Most. Fahmida Khatoon, Wife of Late Mohammad Sahabuddin, Residence of
Mohalla - Chitragupta Nagar, Club Road, P.S. and District - Aurangabad.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Department of Personnel and Administrative Reform, Govt. of Bihar.
2. The Secretary, Personnel and Administrative Reforms, Govt. of Bihar, Patna.
3. The District Magistrate, Aurangabad.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Ms. Jahan Ara, Advocate
For the Respondent/s	:	Mr. H. S. Roy, AC to AG

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 02-08-2022 The petitioner's husband died while working as Anusevak in the Circle Office, Aurangabad on 15.03.1983. The records reveal that she had approached this Court earlier for grant of compassionate appointment to her second son after the first son was given compassionate appointment.

For same relief, she had filed C.W.J.C. No.9763 of 2000, which was disposed of with liberty to the petitioner to approach the authorities, based on some departmental decision that by relaxing the rule, compassionate appointment can be given even to the second person. The writ application was disposed of on 01.11.2001, whereafter the petitioner approached the authorities, and claim was



rejected by order dated 31.01.2002. Assailing said decision of January 2002, the instant writ application has been filed in the year 2018.

From bare perusal of the above noted relevant dates, it is more than obvious that this is a glaring example of frivolous litigation. The petitioner's claim defies the very concept of compassionate appointment. The Apex Court has repeatedly held that the whole object of offering compassionate appointment is to enable the dependents to tide over the sudden crisis arising out of loss of the bread-earner.

Considering the settled legal position, this Court would observe that the petitioner has filed this writ petition nearly 16 years after her recommendation in favour of her younger son for appointment on compassionate grounds was rejected. This shows that petitioner and dependents of the employee deceased in harness have managed to sustain themselves for so many years. Petitioner would thus not be entitled to claim compassionate appointment.

This Court would also observe that the petitioner has filed the instant writ petition challenging rejection of her claim for compassionate appointment by order dated



31.01.2002. Thus the petitioner's prayer in these writ proceedings also suffers from the vice of delay and laches, and this Court is not inclined to exercise its discretionary writ jurisdiction in favour of the petitioner.

The writ application is accordingly dismissed.

(Madhuresh Prasad, J)

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