

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2101 of 2018

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Vishnu Kumar son of Late Ram Pravesh Ram resident of Village - Rupaspur,
Post Office - Sahaynagar, Police Station - Rupaspur, District – Patna (Bihar).

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Health Department,
Govt. of Bihar, Patna.
2. The District Magistrate, Patna.
3. Civil Surgeon-cum-Chief Medical Officer, Patna.
4. The Principal, Patna Medical College and Hospital, Ashok Raj Path, Patna.
5. The District Compassionate Appointment Committee, Patna through the
District Magistrate, Patna.

... .. Respondents

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Appearance :

For the Petitioner : Mr. Vasudeo Ram, Adv
For the State : Mr.Nagendra Pd.Yadav, SC-23

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
CAV JUDGMENT

Date : 30-11-2022

Heard learned counsel for the petitioner and learned
counsel for the State.

2. Petitioner has approached this Court seeking a
direction upon the respondents to appoint him on compassionate
grounds on account of death of his father who died in harness
while working as peon in the Patna Medical College. Petitioner's
claim has been rejected under communication dated 16.12.2016,



bearing Memo No. 5234 as contained in Annexure-6 to the writ petition. Petitioner has sought quashing of this decision.

3. The unfortunate demise of the petitioner's father occurred on 28.02.2008. Application for petitioner's appointment on compassionate ground was made by his mother on 14.09.2016. Application thus has been made more than eight years after death of the petitioner's father. The Authorities, therefore, have found the application to be belated in view of letter dated 27.04.1995, bearing Memo No. 2822 as contained in Annexure-A to the counter affidavit filed on behalf of the Respondent No. 2 & 5, issued by the Personal and Administrative Reforms Department, Bihar, Patna which specifies that application for compassionate appointment has to be made within five years of death of employ who died in harness.

4. Petitioner's counsel submits that at the time of death of the petitioner's father, he was only eleven years old. He was, thus a minor and not eligible for appointment. It is upon attaining majority that application has been made on behalf of the Petitioner by his mother.

5. Learned counsel for the State submits that in view of letter dated 27.04.1995, taken note of above, the application is



barred, having been made more than five years after demise of the petitioner's father who died in harness.

6. Considering the rival submissions, this Court would find that as per the averments in the writ petition, the petitioner's date of birth as per certificate of the Bihar School Examination Board (as contained in Annexure-4) is 3rd May, 2016. The stand of the respondents regarding application being belated is not denied or disputed by the petitioner by filing any rejoinder. When the petitioner's claim was rejected i.e., on 06.12.2016, by the impugned order, the requirement of making application within five years from the date of death of employ who died in harness was applicable.

7. It is apparent from bare perusal of the letter dated 27.04.1995 bearing Memo No. 2822 (as contained Annexure-A to the counter affidavit) that this position is not denied or disputed by the learned counsel for the petitioner. No rejoinder or reply has been filed to the counter affidavit.

8. The petitioner's claim, therefore, was barred, as being belated in terms of letter dated 27.04.1995 issued by the General Administration Department. The petitioner has not made out any case for issuing a direction in his favour for considering his



appointment on compassionate ground based on belated application.

9. Writ petition is devoid of merit and, accordingly, the same is dismissed.

(Madhuresh Prasad, J)

Raj kishore/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

