

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1613 of 2021

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Rupa Kumari D/o Late Bunni Resident of Mohalla- Yarpur Amedkar Colony,
P.o.- G.P.O., P.s.- Gardanibagh, Dist.- Patna

... .. Petitioner/s

Versus

1. The Patna Municipal Corporation, Budha Marg, patna, through its Commissioner, having office at Budha Marg, Patna
2. The Commissioner-cum-Chief Executive Officer, Patna Municipal Corporation, Budha Marg, Patna
3. The Executive Officer, Bankipur Circle, Patna Municipal Corporation, Budha Marg, Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Vijay Kumar Singh
For the Respondent/s : Mr.

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

Date : 08-02-2022

The matter is heard *via* video conferencing due to circumstances prevailing on account of the COVID-19 pandemic.

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

“That, this writ application is being filled for issuance of an order / orders, direction / directions, writ /writs in the nature of Mandamus for a direction upon the respondent authorities to consider and appoint the petitioner on compassionate ground on Grade IV post because the Mother of the petitioner late Bunni was an employee of the respondent corporation who died during his service period on 4.10.2009. leaving behind her daughters. The petitioner also prays to take a decision in the light of letter by general administration no. 22/C/09/2016 General Administration 11959 issued on secretary Govt. of Bihar by which the claim of the petitioner is to be considered by the respondent corporation with regard to relaxation of age of the candidate who is going to be applied



for appointment for compassionate ground. The petitioner also prays for any other relief/reliefs which may deem fit proper in the facts and circumstances of the case.”

3. Perusal of the record, it is evident that mother of the petitioner Late Bunni was an employee with the respondent Corporation and she died on 04.10.2009 whereas claim for compassionate appointment is in the year 2021.

4. On the ground of delay and laches, the present petition cannot be entertained. In the light of Apex Court decision in the case of *State of Jammu and Kashmir V/s. R.K. Zalpuri and others* reported in *AIR 2016 SC 3006, Paragraph-20*, petition to be rejected. That apart it is to be noted that Apex Court has held that compassionate appointment is not a fundamental right. Moreover, the petitioner’s family survived from 2009 to this day, therefore, *prima facie* there is no harness in the family so as to claim compassionate appointment after 11 years.

Accordingly, petition stands dismissed.

(P. B. Bajanthri, J)

GAURAV S./-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

