

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3811 of 2021

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Balkeshwar Ram Son of Late Sugapati Dusadh (Ram), resident of Village -
Bisheni Khund, P.O. - Bisheni Kala, P.S. Nasriganj, Dist. - Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary Home (Police) Department, Bihar at Patna.
2. The Under Secretary, Home Department Bihar at Patna.
3. The District Magistrate, Rohtas at Sasaram.
4. The Senior Deputy Collector (General) Rohtas at Sasaram.
5. The Superintendent of Police Rohtas at Sasaram.
6. The Officer-in-charge, Nasriganj, Rohtas at Sasaram.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Pandey, Advocate
For the Respondent/s : Mr. Manish Kumar, GP 4

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

Date : 14-02-2022

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

In the instant petition, petitioner has prayed for the following relief(s):-

“For issuance of a writ, order, direction including a writ in the nature of mandamus commanding the respondents to appoint the petitioner on compassionate ground and quashing the order dtd 2. 3. 19 passed by respondent no 3 and / or for grant of other relief/ reliefs as the petitioner is found entitled to.”

Petitioner's father, Sugapati Ram died on 08.10.2004 while he was working as Chowkidar in Circle 6/9 at Nasriganj Po-



lice Station. Petitioner's elder brother, Gupteshwar Ram stated to have filed application died on 07.10.2010. Petitioner's mother submitted application in Janta Darbar on 03.02.2011 stating therein to appoint her second son on compassionate ground. Thereafter, the petitioner filed CWJC No. 2044 of 2017. It was withdrawn with liberty to exhaust his departmental remedies. The order was passed on 02.03.2019 rejecting the petitioner's claim, hence, the present petition.

Undisputed facts are that petitioner's father died on 08.10.2004 whereas for the first time application was submitted by the petitioner's brother who died. Mother of the petitioner submitted application on 03.02.2011, thereafter, petitioner approached this Court in the year, 2017 and his application was rejected in the year 2019, hence, the present petition.

Having regard to the fact that there is delay and laches in not approaching the Court during the period from 03.02.2011 to 2021 within a period of three years and the fact that petitioner's family survived from 2004 to even to this day, therefore, the petitioner has not made out a case so as to interfere with the order dated 02.03.2019. Even on the ground of delay and laches petition is not maintainable. Accordingly, the present petition is dismissed in view of the the Hon'ble Apex Court decisions in the case of



Union of India vs. Shashank Goswami reported in **(2012) 11 SCC 307**, **Shreejith L. vs. Director of Education, Kerala** reported in **(2012) 7 SCC 248** and **Dhalla Ram vs. Union of India** reported in **(1997) 11 SCC 201**.

(P. B. Bajanthri, J)

Vikash/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	
Transmission Date	N/A

