

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18192 of 2021

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Shail Kumari, D/o Late Chanda Raut, Resident of Village- Lakshmipur, Bari Tola, P.O.- Dhamaura, P.S.- Sathi, District- West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Secretary, Sugar Cane Industries Department, Government of Bihar.
3. The Cane Commissioner, Bihar.
4. The Deputy Director, Cane Development, West Champaran.
5. The Assistant Director, Cane Development, West Champaran.
6. The District Magistrate cum Chairman District Compassionate Committee, West Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Gyan Shankar, Advocate
For the Respondent/s : Mr. Md. N. H. Khan, SC-1

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 04-08-2022 Heard learned counsel for the petitioner and learned counsel for the respondents.

The petitioner, as per learned counsel's submission, was born on 05.05.1991. The father of the petitioner, who was in class-4 government service, passed away while in harness on 15.12.1997. The learned counsel for the petitioner states that soon thereafter, petitioner's mother has also passed away and she has been brought up by her maternal grandparents. The petitioner, as per her date of birth, has attained majority on 04.05.2009 and has made her application for compassionate appointment on 15.12.2010.



The petitioner's counsel submits that normally application for compassionate appointment, as per the scheme of compassionate appointment dated 27.04.1995 bearing memo no. 2822, is required to be made within five years from the date of death of the employee who dies in harness. Having regard to hardships being faced by dependents orphaned at an early age, the State Government took a conscious decision on 30th August 2019 to make a provision enabling such unfortunate dependents to make an application for compassionate appointment within one year from the date of attaining majority.

This Court would find that petitioner, therefore, was required to make her application by 04.05.2020. She, however, has made her application seven months thereafter, on 15.12.2020. In the aforesaid facts, as stated in the writ petition, the petitioner's claim has been rejected under communication dated 25.08.2021 bearing memo no. 1364 (Annexure-01).

The petitioner's counsel submits that the petitioner may be given some sympathetic consideration having regard to the unfortunate circumstances being death of her father while she was only about six years old.

On going through the averments in the writ petition and the submission of the learned counsel for the petitioner, this



court would observe that once a policy decision has been taken for the benefit of a particular class of persons, the Court should normally not direct for granting of benefits to an individual who is a part of the same class, in excess of the benefit/concession available to the class. There is no scope for this Court to enlarge the time granted therein as it is in the interest of all claiming compassionate appointment. Having regard to the purpose of compassionate appointment, the scheme should be followed uniformly without any exception.

Based on sympathy this Court would not be inclined to enlarge the time specified in the scheme under which the applicant is claiming the compassionate appointment.

Writ application is devoid of merits and the same is dismissed.

shashank/M.E.H.-

(Madhuresh Prasad, J)

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