

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7703 of 2021

Most. Jabani Devi Wife of Late Sajjan Lal Nirala, Resident of Village-Haldi Khora, P.s.-Kachadhaman, District-Kishanganj.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, General Administrative Department, Government of Bihar, Patna.
3. The Principal Secretary, Secretary Finance Department, Government of Bihar, Patna.
4. The Commissioner, Purnea Division, Purnea.
5. The District Magistrate, Purnea.
6. The Chairman, the District Compassionate Appointment Committee-cum-District Magistrate, Purnea.
7. The District Magistrate, Kishanganj.
8. The Additional Collector, Establishment, Purnea.
9. Neel Kumar, Son of Late Kamala Prasad Sutger Resident of Village-Haldi Khora, P.S. Kochadhaman, District-Kishanganj.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Jay Prakash Singh, Advocate
For the Respondent/s : Mr. Md. N. H. Khan (SC 1)

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

Date : 06-04-2022

Heard learned counsel for respective parties.

In the instant petition, petitioner has prayed for the following reliefs:-

“(i) For issuance of appropriate writ in the nature of certiorari for setting aside Annexure-23 as well as Annexure-16 which are issued by Additional Collector Establishment Purnea, and also challenging the subsequent Compassionate appointment of the Respondent No.9.



(ii) For issuance of an appropriate writ in nature of mandamus, Commanding the Respondents to appoint the Son of petitioner on Compassionate appointment as he is dependent of his father namely Late Ajjan Lal Nirala.

(iii) For Issuance of order/orders direction upon erring officer /clerks who is responsible for wrong act.

(iv) For issuance of other relief/ Reliefs, direction/directions may deem fit and proper in the facts and circumstances of the case.”

Petitioner's husband died on 03.11.2001 while he was in service as Amin in the Purnea Collectorate. Petitioner has submitted application for compassionate appointment on 02.04.2009. In not considering the petitioner's case she filed CWJC No. 4339 of 2006 and it was disposed off on 04.02.2009, thereafter, petitioner submitted representation on 17.03.2009 in the light of the same and it was rejected on 24.08.2009. In the meanwhile, some 'X' has been appointed with reference to the petitioner's husband death in the year 2001 and such 'X' person has died while he was in service, in the year 2014.

The petitioner has not questioned the validity of order of appointment issued to 'X' which was stated to be illegal as the petitioner has sought certain information under RTI Act in the month of April, 2016. Further, the petitioner submitted representation on



23.12.2016 and it was rejected on 17.03.2017, thus, the petitioner has presented this petition.

It is to be noted that petitioner had a cause of action in the year 2002 to 2012. Further, it is to be noted that petitioner who is wife of the deceased employee is aged about sixty four years as on the date of presentation of this petition. The petitioner's grievance was rejected in the intervening period on 24.08.2009. She has not questioned the validity of 24.08.2009 within a reasonable period of time limit of three years. On the other hand, she was keep on making correspondence with the officials by filing one or the other representation. Her latest representation dated 23.12.2016 was rejected on 17.03.2017. Merely making various correspondence for years together that does not waive of the delay and laches issue. In the present case, grievance of the petitioner is for compassionate appointment. The object of providing compassionate appointment is to meet immediately harness in the family. Such situation arose with reference to the petitioner's husband's death on 03.11.2001. Therefore, one has to draw inference that there is no harness in the family in the year 2021.

In the following four cases Hon'ble Apex Court has taken note of delay and laches in respect of claim of compassionate appointment:-



(i) Union of India vs. Shashank Goswami reported in **(2012) 11 SCC 307**,

(ii) Shreejith L. vs. Director of Education, Kerala reported in **(2012) 7 SCC 248**,

(iii) Dhalla Ram vs. Union of India reported in **(1997) 11 SCC 201**,

(iv) State of Uttar Pradesh and Others vs. Premlata reported in **(2022) 1 SCC 30**.

In the light of principle laid down by the Hon'ble Apex Court in the aforesaid cases, the present petition stands dismissed on the ground of delay and laches.

(P. B. Bajanthri, J)

Vikash/-

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

