

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20805 of 2021

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Dilkhush Kumar, Son of Late Sanjay Paswan, resident of Village - Kariyat,
P.O. Ghoganpatti, Police Station- Sour Bazar, District - Saharsa.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Department of Home,
Govt. of Bihar, Patna.
2. The District Magistrate-cum-Chairman Compassionate Appointment
Committee, Saharsa.
3. The Superintendent of Police, Saharsa.
4. The Sub-Divisional Officer, Sadar, Saharsa.
5. The Public Information Officer-cum-Incharge Officer, General
Administration, Saharsa.
6. The Circle Officer, Patherghat, District - Saharsa.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Aditya Narain Singh, Advocate
For the Respondent/s : Mr.Md. Nadim Seraj, GP5

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 02-09-2022 Today being Friday, matters are being taken up
through virtual mode, as per current procedure for hearing.

The petitioner's claim for appointment on
compassionate ground has been rejected by order dated
30.07.2021 which has been communicated to the petitioner's
mother vide letter dated 02.09.2021 issued by the Office of the
Public Information Officer-cum-Incharge Officer, General
Administration, Saharsa. The same is assailed by way of the
instant writ proceedings. The brief factual background is that
petitioner's father died in harness, while working on the post of



‘Chowkidar’, on 15.12.2003. He left behind his widow and minor son and daughter. The petitioner is the son who has made an application for compassionate appointment which has been rejected on 30.07.2021 in the meeting of the District Compassionate Committee. The reason assigned is that the application for compassionate appointment was submitted by the petitioner on 06.07.2018, whereas it was required to be submitted within one year of petitioner’s attaining majority in terms of the letter dated 30.08.2019 bearing no.11959 issued by the General Administration Department.

The petitioner’s counsel submits that the petitioner’s mother had submitted an application requesting grant of compassionate appointment to the petitioner. The petitioner has also submitted several applications requesting the Authority to consider his case for appointment on compassionate grounds, copies of which have been enclosed at Annexure-5 series. The learned Counsel draws attention of the Court towards order dated 18.03.2021 passed in ***CWJC No.17013 of 2019***, earlier filed by the petitioner challenging the earlier order of rejection of petitioner’s claim for compassionate appointment on 27.09.2019.

This Court considering the fact that the condition of



making application within 5 years was not binding on beneficiary who was minor at the time of death of the deceased in harness. Such minor dependents were allowed to make their application within one year from the date on which they attain majority in terms of the letter dated 21.08.2019(supra). This Court, therefore, had directed reconsideration of the petitioner's case in light of the letter dated 21.08.2019. It is after reconsideration that the impugned order dated 21.08.2019 has been rejected on 30.07.2021 and communicated to the petitioner by the impugned communication dated 02.09.2021.

Learned Counsel for the petitioner submits that the rejection order based on the allegation that the petitioner submitted application for compassionate appointment on 06.07.2018 is false and unsustainable since it has specifically been stated in the writ petition that petitioner's mother had submitted an application on 06.02.2018, the same being within one year from the date of attaining majority (02.05.2017), the petitioner's claim was within the time specified by the letter dated 30.08.2019 of the General Administration Department.

The learned State Counsel, however, has submitted that from the averments made in the writ petition and documents annexed thereto, it is evident that the petitioner has not brought



on record any material to show that petitioner made an application for compassionate appointment within time specified in the letter dated 30.08.2019 by the General Administration Department. The authorities have considered the petitioner's claim, which is obvious from the minutes of the meeting of the District Compassionate Committee dated 30.07.2021, and, therefore, the petitioner has no claim for compassionate appointment, since he did not apply within the stipulated time.

On consideration of rival submissions this Court would find that there is no material on record to show that the petitioner ever applied for compassionate appointment within one year of his attaining majority. He has not even made any statement in the writ petition that he had submitted his application within one year of attaining majority. The statement in Paragraph-9 of the writ petition is that his mother had submitted an application in his favour on 06.02.2018, which was rejected on 02.09.2018. The alleged date of rejection of petitioner's claim for compassionate appointment, however, is at variance with the date of rejection recorded in the petitioner's earlier writ petition bearing ***CWJC No. 17013 of 2019*** wherein the date of rejection of petitioner's application for



compassionate appointment has been recorded as 27.09.2019. Even Annexure-5 series does not support making of application within one year from the date of attaining majority. There is nothing on record to show that the petitioner had made his application within one year of attaining majority i.e. within one year from 03.05.2017. Even otherwise there is no allegation of any *mala fide* against any person in the Compassionate Committee. The Committee has taken a decision based on the facts available, which this Court does not find any reason to interfere with.

Writ application is, therefore, devoid of any merit and is dismissed.

(Madhuresh Prasad, J)

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