

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2306 of 2023

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Ramun Ram, Son of Late Dimangal Ram, Resident of Badki Khadaw, P.S.-
Sahar, District- Bhojpur, Bihar.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of Health, 1st Floor, Vikas Bhawan, Bailey Road, Sardar Patel Marg, Patna, Bihar 800015
2. The Principal Secretary, Department of Health, 1st Floor, Vikas Bhawan, Bailey Road, Sardar Patel Marg, Patna, Bihar 800015
3. The District Magistrate, Bhojpur, Ara.
4. The Deputy Collector (Establishment), Bhojpur, Ara.
5. The Civil Surgeon cum Chief Medical Officer, Bhojpur, Ara.
6. The In-Charge Medical Officer, Primary Health Centre, Sahar, Bhojpur, Ara.

... .. Respondents

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Appearance :

For the Petitioner	:	Mr. Surendra Kumar Singh, Advocate Mr. Prabhat Kumar Singh, Advocate
For the State	:	Mr. Rajeshwar Singh, GA-1 Mr. Jitendra Kumar, AC to GA-10

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 19-04-2023 Heard learned counsel for the petitioner and the State.

The petitioner in the present case is seeking a writ in the nature of Writ of Mandamus commanding the District Compassionate Appointment Committee, Bhojpur at Ara to consider the application of the petitioner for appointment on compassionate ground in place of his deceased father.

Learned counsel for the petitioner submits that the petitioner's father was working as Peon in the Primary Health Centre at Sahar and he died in harness on 19.06.2004. It is the case of the petitioner that he submitted an application on



11.03.2005 to the Incharge Medical Officer, Sahar, Bhojpur for his appointment on compassionate ground. The said application was sent by the Deputy Collector (Establishment) on 09.07.2005. Learned counsel for the petitioner submits that since then the application of the petitioner remained pending because the petitioner was not a matriculate. It is submitted that once again step was taken on the grievance petition of the petitioner and the Incharge Medical Officer informed the Civil Surgeon, Bhojpur that the proposal for appointment of the petitioner on compassionate ground has already been forwarded. In Letter No. 2013 dated 23.07.2016, the respondent Civil Surgeon directed the Incharge Medical Officer to remove the defects and sent the proposal in a prescribed form as also explain the cause of delay in sending the recommendation for compassionate appointment.

In these circumstances, it is stated that the petitioner is not at fault as he had already submitted his application on 11.03.2005.

On the other hand, learned counsel for the State submits that it is a case in which the father of the petitioner died on 19.06.2004. Admittedly, in between the year 2005 and 2015 for a period of about 11 years the petitioner did not take any step



to know about his application for compassionate appointment. All of a sudden, the letters have been transacted in the year 2015 and 2016 and the Civil Surgeon has rightly pointed out to the Incharge Medical Officer about the delay in sending the proposal.

Learned counsel submits that the appointment on compassionate ground is not a mode of appointment under the Constitutional Scheme of the country. Despite it is being violative of Article 14 and 16 of the Constitution of India, this scheme has remained only because it is a welfare policy of the State whereunder the State provides immediate help to its employees who die in harness and because of the sudden death, the family loses its bread earner and faces a state of Penury. It is submitted that in the present case, the writ application is completely silent with regard to the huge delay of about 11 years and there is no pleading as to the family conditions. It is not the case of the petitioner that the petitioner has been living in a state of penury.

Having regard to the facts and circumstances of the case, the materials available on the record and the submission of the parties, this Court is of the considered opinion that there being huge delay and laches on the part of the petitioner in



pursuing his claim for appointment on compassionate ground as he has approached this Court in the year 2023 whereas his father died in the year 2004 and it is his own case that he was not having matriculation degree at least in the year 2015, there being no pleading that he was in a state of penury or even at this stage, he is in such financial crisis, it would not be just and proper to exercise this extra-ordinary writ jurisdiction.

This writ application, therefore, fails. It is dismissed.

(Rajeev Ranjan Prasad, J)

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