

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7865 of 2023

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Sarita Kumari W/o Late Shambhu Kumar (ex Homeguard No. 480327),
Resident of Vill-Matihani, P.S. Matihani, Distt-Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary General Administration Department, Bihar, Patna.
2. The Principal Secretary, General Administration Department, Govt. of Bihar, Patna.
3. The Principal Secretary, Home (Special) Department, Govt. of Bihar, Patna.
4. The Joint Secretary, Home (Special) Department, Govt. of Bihar, Patna.
5. The Director General cum Commandant General of Home Guards and Fire Brigade (Headquarter), Bihar, Patna.
6. The Commandant, Home Guards (Headquarter), Patna.
7. The District Commandant, Home Guards, Begusarai.
8. The District Magistrate, Begusarai.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Prashant Kashyap

For the Respondent/s : Mr.Sheo Shankar Prasad (Sc8)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL JUDGMENT

Date : 28-11-2023

The present writ petition has been filed seeking a direction upon the Respondents to consider the case of the petitioner for compassionate employment, after quashing the order of rejection of the case of the petitioner, contained in memo dated 18.4.2022, issued by the Respondent No. 7 i.e. the



District Commandant, Home Guards, Begusarai, on the ground that the application filed by the petitioner is time barred.

2. The brief facts of the case, according to the petitioner, are that the husband of the petitioner died in harness on 24.7.2016, whereafter the petitioner had filed an application for grant of compassionate employment, however, the same was rejected, by an order dated 27.12.2018, passed by the Senior District Commandant, Bihar Home Guards, Begusarai, on the ground that as per the Home Department Notification dated 5.9.2016, the minimum qualification should be intermediate pass, whereas the petitioner was only 9th pass. The petitioner had then passed the intermediate examination on 26.2.2021 and then, filed an application for grant of compassionate employment on 31.8.2021, however, the same has been rejected, by the impugned order dated 18.4.2022, on the ground that the application filed by the petitioner is time barred.

3. The learned counsel for the petitioner has submitted that some delay had taken place in filing the application for grant of compassionate employment on account of the then prevailing Covid-19 Pandemic situation, nonetheless, it is stated that the delay in filing the application is meagre, inasmuch as the period of limitation of five years had expired on 23.7.2021, whereas



the petitioner had filed the requisite application on 31.8.2021. In this regard, the learned counsel for the petitioner has submitted that the Hon'ble Apex Court, by an order dated 27.4.2021, passed in Miscellaneous Application No. 665 of 2021 in *Suo Motu Writ Petition (C) No. 3 of 2020*, has, while taking suo motu cognizance of the situation arising out of the challenge, faced by the country on account of Covid-19 virus and the resultant difficulties that would be faced by the litigants across the country, had directed for excluding the period starting from 15.3.2020 till 14.3.2021 for computing the period of limitation, as may be prescribed under any general or special law in respect of all judicial and quasi-judicial proceedings. It is further stated that the said period of limitation was further revised, by an order dated 10.1.2022, passed in Miscellaneous Application No. 21 of 2022 in Miscellaneous Application No. 665 of 2021 in *Suo Motu Writ Petition (C) No. 3 of 2020*, which postulates that not only the period starting from 15.3.2020 to 28.2.2022 shall stand excluded for the purposes of limitation, as aforesaid, but in case where limitation has expired during the period between 15.3.2020 till 28.2.2022, all persons shall have a limitation period of 90 days starting from 1.3.2022. It is further submitted that since the period of limitation in the case of the petitioner



has stood expired on 23.7.2021, which was in between the period 15.3.2020 to 28.2.2022, the period of limitation would automatically stand extended by a period of 90 days with effect from 1.3.2022, however, since the petitioner has filed the application for grant of compassionate employment much before the said date i.e. on 31.8.2021, the Respondent authorities are obliged to consider the application of the petitioner for grant of compassionate employment on merits.

4. Per contra, though the learned counsel for the Respondent-State has submitted that the application of the petitioner for grant of compassionate employment is time barred, however, he has not been able to dispute the fact that the Hon'ble Apex Court has extended the period of limitation, as aforesaid, hence, submits that the case of the petitioner would definitely be considered on merits.

5. Having regard to the facts and circumstances of the case, considering the submissions advanced by the Ld. Counsel for the parties and taking into account the fact that since the period of limitation, in the present case, has expired on 23.7.2021, which falls in between the period 15.3.2020 to 28.2.2022, the period of limitation would automatically stand extended by a period of 90 days w.e.f. 1.3.2022, as per the aforesaid order passed by the



Hon’ble Apex Court, whereas, the petitioner has filed an application for grant of compassionate employment on 31.8.2021 i.e. much before the said date, hence, the case of the petitioner for grant of compassionate employment is required to be considered on merits, thus I deem it fit and proper to quash the order dated 18.4.2022, issued by the District Commandant, Home Guards, Begusarai and direct the Respondent authorities to consider the case of the petitioner for grant of compassionate employment on merits and pass a reasoned and a speaking order within a period of six weeks of receipt / production of a copy of this order.

6. The writ petition stands allowed.

(Mohit Kumar Shah, J)

Ajay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	22.12.2023
Transmission Date	NA

