

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2094 of 2020

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Ishteyaque Alam, S/o S.M. Mazaher Afaq, Resident of Ward No. 24,
Meermanjan Quilaghat, P.s.- Quliaghat, Darbhanga, and Distt.- Darbhanga
... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Water Resource Department, Govt. of Bihar, Patna
2. The Principal Secretary Water Resource Department, Govt. of Bihar, Patna
3. The Chief Engineer Irrigation Division, Water Resource Department, Darbhanga
4. The Superintending Engineer West Koshi Canal Circle, Darbhanga
5. The District Magistrate Darbhanga

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Karn, Advocate
For the State : Mr. Akhileshwar Singh, AC to GA-2

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL JUDGMENT

Date : 08-12-2023

Heard learned counsel for the petitioner and learned
counsel for the State.

2. The present writ petition has been filed for quashing Memo No.539 dated 31.03.2018 (Annexure-13) and Letter No.263 dated 18.04.2018, passed by the Superintending Engineer, West Koshi Canal Circle, Darbhanga (Annexure-14) and Letter No.808 dated 17.04.2018 by the Chief Engineer, Irrigation Division, Water Resource Department, Darbhanga (Annexure- 15).

3. Learned counsel for the petitioner submits that the father of the petitioner died when he was working in the office



of the Superintending Engineer, West Koshi Canal Circle, Darbhanga as a draftsman-II on 19.07.2003. After the death of his father, the petitioner applied along with relevant documents for his appointment on compassionate grounds on 05.03.2005. In response thereof, the authorities have demanded certain documents which the petitioner has provided, but the authority rejected the claim of the petitioner being time-barred in the light of letter No.2822 dated 27.04.1995.

4. Learned counsel for the State submits that by way of supplementary affidavit, the authorities have issued the letter by which demand of documents have been made, but not assigned the reason as to why the claim of the petitioner has been rejected on the technical ground as time barred where from the pleading of the case, it transpires that the death had taken place on 19.07.2003 and the application for appointment on compassionate ground has been made on 05.03.2005. Again, the authorities vide letter No.513 dated 18.10.2017, asked the petitioner to resubmit the application form along with the required documents, which was fulfilled according to the petitioner in 2017.

5. Upon hearing the parties and going through the records, it transpires to this Court that once the application has



been filed on time and due to deficiency in the application document has been provided later on then it shall not be treated as time-barred.

6. In view of the aforesaid, Memo No.539 dated 31.03.2018 (Annexure-13); Letter No.263 dated 18.04.2018, passed by the Superintending Engineer, West Koshi Canal Circle, Darbhanga (Annexure-14) and Letter No.808 dated 17.04.2018 by the Chief Engineer, Irrigation Division, Water Resource Department, Darbhanga (Annexure- 15) are hereby quashed so far as it relates to the petitioner only.

7. The authorities are directed to pass a fresh order assigning reasons therein with regard to the petitioner. If it is found that the petitioner is entitled to an appointment on compassionate grounds, then his appointment be made if not then a reasoned and speaking order must be passed within 90 days from the date of production of a copy of this order.

8. With the aforesaid observation and direction, the writ petition stands disposed of.

(Dr. Anshuman, J)

Ashwini/-

AFR/NAFR	
CAV DATE	NA
Uploading Date	18/12/2023
Transmission Date	NA

