

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3240 of 2024

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Sidhnath Gupta Son of Late paras Nath Gupta Resident of Ward No.20
Mahinawa Baazar Post Office Maner Police Station- Maner District Patna

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Department of General Administration, Government of Bihar, Patna.
3. The Principal Secretary, Department of Home (Police), Government of Bihar, Patna.
4. Director General of Police, Government of Bihar, Patna.
5. Inspector General of Police, Patna, Division Patna.
6. Senior Superintendent of Police, Patna.
7. Chief Attendant (Parchari Prawar), New Police Centre, Patna.
8. In-Charge General Section, Police Office, Patna.
9. District Magistrate Cum Collector, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Md. Helal Ahmad

For the Respondent/s : Mr.Government Advocate 5

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL JUDGMENT

Date : 04-04-2024

1. The present writ petition has been filed for directing the respondents to appoint the petitioner on compassionate ground.
2. The brief facts of the case, according to the petitioner are that the own brother of the petitioner died on 20.12.1989, in a road accident, whereupon the local people had protested, resulting in the then District Magistrate, Patna and the Senior Superintendent of Police, Patna, having assured the family of the petitioner that one of the family member of the victim's family shall be appointed in Government service, whereafter the



District Magistrate, Patna by a letter dated 22.12.1989 had directed the Senior Superintendent of Police, Patna to do the needful. It is further submitted that on 05.04.1991, the father of the petitioner had filed an application before the Inspector General of Police, Bihar, Patna, for appointment of the petitioner on compassionate ground and again on 03.02.1995, another application was filed before the Inspector General of Police, Bihar, Patna, for appointing the petitioner on compassionate ground. Thereafter, the petitioner had filed applications dated 10.07.2006 and 07.09.2006, before the Inspector General of Police, Bihar, Patna, as also had submitted an application dated 26.10.2006, to the Secretariat of the Chief Minister for appointment on compassionate ground, whereafter the petitioner had filed yet another application dated 07.09.2019, before the Principal Secretary, Chief Minister Secretariat, Government of Bihar, Patna, however to no avail. The petitioner is stated to have also submitted applications dated 21.01.2016 and 15.09.2018 before the Office of the Senior Superintendent of Police, Patna, but no relief was granted to the petitioner. Thus, it is submitted that the petitioner be granted compassionate appointment.

3. Per contra, the learned counsel for the Respondent-State



has raised a preliminary objection with regard to the maintainability of the present writ petition, inasmuch as the present writ petition has been filed belatedly, after a great delay of about 34 years. The learned counsel for the Respondent-State has submitted that the Hon'ble Apex Court, in a catena of judgments, has held that while exercising extraordinary and equitable jurisdiction under Article 226 of the Constitution of India, the Constitutional Court, while protecting the rights of citizens, should simultaneously keep itself alive to primary principle that when an aggrieved person, without adequate reason, approaches the Court belatedly, at his own leisure or pleasure, the writ Court is not required to grant any indulgence to such indolent person and on the ground of delay and laches alone, the writ Court ought to throw the petition overboard at the very threshold. In this regard, the learned counsel for the Respondent-State has referred to the following judgments:-

“(i). *Chennai Metropolitan Water Supply & Sewerage Board & Others vs. T.T.Murali Babu*, reported in (2014) 4 SCC 108.

(ii). *State of Uttranchal & Anr. vs. Shiv Charan Singh Bhandari & Ors.*, reported in 2013 AIR SCW 6627.



(iii). *C. Jacob vs. Director of Geology & Mining & Anr.*, reported in AIR 2009 SC 264.

(iv). *State of Jammu & Kashmir vs. R.K. Zalpuri & Others*, reported in AIR 2016 SC 3006.

(v). *State of Tamil Nadu vs. Seshachalam*, reported in (2007) 10 SCC 137.

4. Now, coming to the merits of the case, it has been submitted by the learned counsel for the respondents that it appears that in the year, 1989, certain assurances were given by the local authorities, however, there is no legal foundation for such assurances given to the petitioner and his family members inasmuch as the same is not backed by any Government decision, apart from the fact that neither the brother of the petitioner was a Government servant nor the petitioner is Class-I legal heir of the victim nor any policy decision of the Government of Bihar has been brought on record to show that appointment on compassionate ground is required to be offered to a road accident victim's family member, thus even on merits, the present writ petition is fit to be dismissed.

5. I have heard the learned counsel for the parties and perused the materials available on record, from which this Court finds that the present writ petition is fit to be dismissed on



merits as also on the ground of delay and latches inasmuch as the petitioner has approached this Court belatedly after an unexplained delay of about 34 years, hence, the present writ petition stands dismissed on the ground of delay and laches as well as on merits.

(Mohit Kumar Shah, J)

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AFR/NAFR	NAFR
CAV DATE	NA
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