

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9817 of 2012

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1. Lalti Devi W/O Late Kanhaiya Ram R/O Vill-Dhup Nagar, P.O.-Dhobwal, P.S.-Khaira, Distt-Saran At Present Residing In The House Of Raju Flower Mill Owner , At -Dahiyawan Tola, P.O.-Chapra, P.S.-Chapra Town, Distt-Saran
 2. Mahendra Ram S/O Late Kanhaiya Ram R/O Vill-Dhup Nagar, P.O.-Dhobwal, P.S.-Khaira, Distt-Saran At Present Residing In The House Of Raju Flower Mill Owner , At -Dahiyawan Tola, P.O.-Chapra, P.S.-Chapra Town, Distt-Saran

... .. Petitioner/s

Versus

1. The State Of Bihar through Principal Secretary, Road Construction Department, Government Of Bihar, Patna
2. The Engineer-In-Chief, Road Construction Department Government Of Bihar, Patna
3. The Chief Engineer, Road Construction Department Government Of Bihar, Patna
4. The Superintending Engineer, Saran Road Circle, Road Construction Department Hajipur
5. The Executive Engineer, Road Division, Road Construction Department Chapra
6. The District Compassionate Appointment Committee Through Collector Saran At Chapra

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Abhishek Singh, Advocate Mr. Neeraj Kumar, Advocate
For the Respondent/s	:	Mr. Majid Mahboob Khan, AC to AAG 12

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL JUDGMENT

Date : 22-01-2024

Heard learned counsel for the petitioners and learned
counsel appearing on behalf of the State.

2. The present writ petition has been filed for the
following reliefs :-



(a) The present writ petition has been filed for quashing the memo no. 207 dated 04.02.2012 (Annexure-6) by which the claim of the petitioners for appointment of petitioner no. 2 on compassionate ground has been rejected by the committee, on erroneous grounds.

(b) To issue a writ of mandamus, commanding the respondents to discharge their legal obligation to follow the decisions of the state government and to appoint the petitioner no. 2 on compassionate ground on the post consumerate to his qualification after giving relevant relaxation.

(c) To any other relief or relief's for which the petitioners may be found entitled to.

3. The husband of the petitioner no. 1 who is also the father of petitioner no. 2 has died on 06.12.2002 during the course of his service as a Chawkidar in the department of Road Division, Road Construction Department, Chapra. He has died leaving behind his widow (petitioner no. 1) and two minor sons namely, Mahendra Ram (petitioner no. 2) and Jitendra Ram and a married daughter namely, Smt. Prabha Devi.

4. Learned counsel for the petitioners submits that when the petitioner no. 2 has attained the majority in the year 2011, he applied for the compassionate appointment and in 2011, the petitioner no. 2 has passed his matriculation examination and the application of the petitioners was duly forwarded by the



competent authority to the concerned authority. Later on, the petitioners received a letter bearing memo no. 207 dated 04.02.2012 issued by the respondent no. 6 which is impugned in the present writ petition by which the District Compassionate Appointment Committee has rejected the claim of the petitioner no. 2 for appointment on compassionate ground on the sole ground that the application was filed after a period of 5 years.

5. Learned counsel for the petitioners further submits that when the father of the petitioner no. 2 died, he was minor so he has not filed the application for compassionate ground and when he became major he has filed the said application which was rejected by the competent authority on the ground that the application was filed after 5 years of the death of father of petitioner no. 2 who is also the husband of petitioner no. 1.

6. Learned counsel appearing on behalf of the State has filed the counter affidavit and referred to the notification of Personal Administrative Reforms Department, Government of Bihar bearing Memo no. 13293 dated 05.10.1991 and notification no. 2822 dated 27.04.1995. From the first notification, the limitation period for filing the application for compassionate appointment was later on amended by a



subsequent letter and thereby providing the limitation period for making application for compassionate appointment in prescribed proforma within five years and the present case is in the admitted position that the husband of the petitioner who is also the father of the petitioner no. 2 died long back in the year 2002 and it is admitted fact that the petitioners have applied for the compassionate appointment in the year 2011.

7. So the District Compassionate Appointment Committee has rightly rejected the claim of the petitioners for appointment on compassionate ground in view of the Government Circular as mentioned aforesaid “the limitation period for filing the application for compassionate appointment was later on amended by a subsequent letter and thereby providing the limitation period for making application for compassionate appointment in prescribed proforma within five years”.

8. In view of the aforesaid, it appears that the District Compassionate Appointment Committee has rightly rejected the claim of the petitioners.

9. In view of the notification of the Personal Administrative Reforms Department, Government of Bihar



bearing Memo no. 13293 dated 05.10.1991 and notification no. 2822 dated 27.04.1995 there is no merit in the writ petition and the same stands dismissed.

(Rajesh Kumar Verma, J)

Vanisha/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	24.01.2024
Transmission Date	N/A

