

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6712 of 2018

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Shikha Kumari daughter of Late Ranjit Kumar Verma Resident of village -
Dhargawan, P.O. and P.S. Mehshi, District - East Champaran at Motihari.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Agriculture Department, Government of Bihar, Patna.
3. The Joint Director (Crops), Tirhut Division, Muzaffarpur.
4. The Deputy Director (Corps) Range, Tirhut Division, Motihari.
5. The District Magistrate, East Champaran at Motihari.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vijay Kumar Singh, Adv.
For the Respondent/s : Mr. Anant Pd.Singh, SC-15

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 06-03-2024 Heard learned counsel for the petitioner and learned
counsel for the State.

2. The present writ application has been filed for quashing the order dated 15.11.2017 passed by respondent no. 3 contained in letter no. 1769 dated 15.11.2017, as well as letter no. 223 dated 05.02.2018 by which the claim of the petitioner has been rejected on compassionate ground stating the reason that the application is time barred, due to the reason that the date of death of her father is 10.02.2011 and the date of her attainment of majority is 26.03.2017, whereas she has submitted her form for compassionate appointment after lapse of six years.

3. Learned counsel for the petitioner submits that from the order impugned, the basis for rejection has been mentioned is provision 6 of letter no. 2822 dated 27.04.1995, according to which time limit for filing application on the compassionate appointment is five years only. He submits that the said letter of the Government 2822 dated 27.04.1995 has been further modified by virtue of letter no. 11959 dated 30.08.2019 in which proviso has been added, according to which the time limit in case of minor dependent for filing application for compassionate appointment is one year from the date he becomes major.

4. Learned counsel for the petitioner further submits that in the present case, the petitioner was minor on the date of death of her father. She becomes major on 26.03.2017 and she has applied for compassionate appointment on 22.06.2017, therefore, in the light of the said letter no. 11959 dated 30.08.2019 read with letter no. 2822 dated 27.04.1995, the said letter is absolutely illegal and fit to be set aside.

5. Learned counsel for the State submits that non-consideration on compassionate appointment has rightly been decided by the respondent-authorities as letter no. 4735 dated 19.05.1992 of the Personnel & Administrative Reforms

Department, Bihar, Patna which clearly prohibits consideration of such kind of application which has been filed beyond five years from the date of letter.

6. In the present facts and circumstances, it transpires to this Court that there is subsistence in the argument of the petitioner, as the petitioner attains majority on 26.03.2017 and filed application for compassionate appointment on 22.06.2017, *i.e.* well within the period of one year from the date of majority. Hence, the order impugned, contained in letter no. 1769 dated 15.11.2017 and letter no. 223 dated 05.02.2018 are hereby set aside.

7. The matter is remitted back to the respondent no. 3, who shall decide the case of the petitioner in the light of both the letters, *i.e.* letter no. 2822 dated 27.04.1995, as well as considering the letter no. 11959 dated 30.08.2019 and then take a decision with regard to the petitioner.

8. The petitioner is directed to produce representation in this matter along with the order passed by this Court and respondent no. 3 is directed to decide the same within 90 days thereafter and do all the needful. In case the respondent is disagree in that case, he will pass a reasoned and speaking order within 90 days from the production of this order.

9. With this direction, the present writ application
stands disposed of.

(Dr. Anshuman, J)

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