

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8045 of 2018

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Smt. Reena Bharti @ Reena Bharti W/o Sri Ranjit Kumar, D/o Late Rajendra Prasad Yadav, Resident of Village- Bhaluaihi, Post- Kharewa, P.S.- Salkhua, District- Saharsa.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Principal Secretary, General Administration Department, Govt. of Bihar, Patna.
3. The Commandant General, Bihar Home Guard, Chajju Bagh, Patna.
4. The Commandant, Bihar Home Guard, Chajju Bagh, Patna.
5. District Commandant, Bihar Home Guard, Begusarai.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Bhaskar Shankar
For the Respondent/s : Mr.Sheo Shankar Prasad -Sc8

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

4 22-04-2024 Counsel for the petitioner and counsel for the State

are present.

2. This writ petition is filed for quashing of the order dated 14.11.2017 issued vide Memo No. 4313 by The Commandant, Bihar Home Guard, Chajju Bagh, Patna, (Respondent No. 4) whereby he has rejected the claim of the petitioner for appointment on compassionate ground on wrong fact that her application is time barred i.e. after 5 years of death of the deceased employee.

3. Counsel for the petitioner submits that the petitioner has earlier moved before this Hon'ble Court in



C.W.J.C. No. 7456 of 2011 in which vide order dated 09.08.2011, *liberty was granted to the petitioner to approach the State Government in this regard and Hon'ble Court has observed that the power has been vested in the hands of the State Government for which this Court has nothing to say. If respondent wants to relax the rule in making such compassionate appointment, this Court will not come in the way and with this observation, writ petition was disposed off.*

4. Counsel for the petitioner submits that subsequently, the said rule was relaxed which is annexed as Annexure-5 but even then the case of the petitioner has not been considered and the claim for compassionate appointment has been rejected.

5. Counsel for the State on the other hand submits that the petitioner has no case at all due to the reason that in the rejection order, it has been categorically assigned the reasons as to why his case has not been taken into consideration.

6. Upon going through the rejection order, it transpires to this Court that petitioner's father has died way back in December, 2008 and allegation of false affidavit has been made which is evident from letter no. 5440 dated 05.12.2016 sent by the Commandant, Bihar Home Guard, Chajju Bagh,



Patna to the Home Special Branch Patna and every aspect has been discussed in the impugned order.

7. Upon perusal of the records, it transpires to this Court that petitioner has not come forward for the relief before the authority with clean hand, as such this Court is not inclined to interfere in the order impugned.

8. Accordingly, this writ petition is dismissed.

(Dr. Anshuman, J)

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