

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16486 of 2024

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Aman Raj @ Sumit Kumar, son of Late Rajendra Singh, permanent resident of Village Chandur, P.O. Noorsarai, P.S. Chandi, District Nalanda 803113 (Bihar), presently residing at 117, Mohalla Ambedkar Nagar, P.S. and Town Bakhtiyarpur, District - Patna-803212 (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Water Resources Department, Government of Bihar, Patna.
2. The Chief Engineer, Irrigation Creation Saharsa, Water Resources Department, District - Saharsa.
3. The Superintending Engineer, Irrigation Circle Saharsa, Water Resources Department, District - Saharsa.
4. The Executive Engineer, Irrigation Division Birpur, Water Resources Department, District - Supaul.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Akshansh Ankit, Advocate
For the Respondent/s : Mr. Government Pleader (14)

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 28-10-2024 Heard the parties.

2. The petitioner has invoked the extraordinary writ jurisdiction of this Court under Article 226 of the Constitution, seeking a direction upon the respondent authorities to consider the claim of the petitioner for his appointment on compassionate ground to a suitable Class-IV post upon death of his father, Late Rajendra Singh, who died in harness while working as Assistant (Helper) in the Office of the Irrigation Division Birpur, Water Resources Department, Supaul.

3. Learned counsel for the petitioner contended that



the father of the petitioner died in harness on 21.04.2005 while he was holding the post of Assistant (Helper). After attaining the majority, the petitioner filed application, which has been marked as Annexure-P3 to the writ petition. It is contended that admittedly the application has been filed belatedly, but the same is required to be considered in view of the guidelines of the State of Bihar dated 05.10.1991 as amended from time to time, which do not provide any limitation for filing such application. It is further contended that till date the application of the petitioner has not been either accepted or rejected.

4. On a query made by this Court, as to when the application has been filed, it has been apprised to this Court that the same has been filed on 02.07.2024.

5. Learned counsel for the State submitted that the date on which the father of the petitioner died, the petitioner was only aged about one year and, in no circumstances, his claim can be considered after two decades when the very object of the compassionate appointment lost its importance.

6. Considering the very object and purpose of the compassionate appointment to mitigate the hardship due to unexpected death of the bread earner in the family and at a bleated stage as these grounds are no more in existence, the



employment cannot be given; this Court does not find any merit in the writ petition. However, considering the fact that the application of the petitioner dated 02.07.2024 is pending before the respondent authorities, the same must be brought to its logical conclusion by an order.

7. The writ petition stands closed.

(Harish Kumar, J)

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