

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9194 of 2018

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Dhirendra Kumar Son of late Shambhu Prasad Singh Resident of Village-
Samas Khurd, Post Office- Samas Sanwas, Police Station- Barbigha, District-
Sheikhpura.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Home Secretary, Government of Bihar, Patna.
2. The Chief Secretary, Jharkhand, Ranchi.
3. The Director General -Cum-Chairman-Cum-Managing Director, Bihar, Police Building Construction Corporation, Bihar, Patna.
4. The Director General-cum-Chairman-Cum-Managing Director, Jharkhand Police Building Construction Corporation, Ranchi.
5. The Secretary, Bihar Police Building Construction Corporation, Kautilya Nagar, Bihar, Patna.
6. The Manager, Jharkhand Police Housing Corporation Limited, Line Tank Road, Ranchi.
7. The Superintendent of Police, Deoghar, Ranchi.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Bipin Kumar, Advocate
For the Respondent/s : Mr. Sheo Shankar Prasad, SC-8

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL JUDGMENT
Date : 30-01-2024

Heard learned counsel for the petitioner, learned
counsel for the Bihar Police Building Construction Corporation
and learned counsel for the State.

2. Learned counsel for the petitioner submits that
the father of the petitioner was in service of Bihar Police
Building Construction Corporation, Patna. After bifurcation of



Jharkhand he became employee of Jharkhand Police Building Construction Corporation, Ranchi, and died on duty during his posting at Deoghar on 31.01.2010. Counsel submits that petitioner has applied for his compassionate appointment, but the Secretary, Bihar Police Building Construction Corporation Limited, Patna, issued a list of candidates, who were appointed on compassionate ground, but name of the petitioner has not figured in the same.

3. Learned counsel for the State submits that the present case suffers from defects of jurisdiction; whereas the counter affidavit filed by the Bihar Police Building Construction Corporation, Patna, specifically states in paragraph-9 that according to the circulars of Bihar, the petition for appointment on compassionate ground has to be filed within five years after death of the employee as per the amendment introduced by department of Personnel and Administrative Reforms, Government of Bihar in Circular No.13293 dated 05.10.1991 and vide letter No.3/C2-60108/94-Ka. 2822 dated 27-April, 1995 that prescribed period for submission of application for compassionate appointment is five years from the death of the employee.

4. Here in the present case, it transpires from the



record that date of death of the employee is 31.01.2010 whereas the petitioner has filed application in March, 2016. It is clearly barred.

5. Learned counsel for the petitioner submits that sympathetic view may be taken into consideration as the petitioner is an illiterate.

6. In law, illiterate is no excuse for condonation of delay. As such, this writ petition is not maintainable and, accordingly, it is dismissed.

(Dr. Anshuman, J)

Mkr./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	01.02.2024
Transmission Date	NA

