

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1914 of 2022

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Roshan Kumar Pathak S/o Late Abhaynath Pathak, Resident of Village -
Chhoti Bhaisadiha, P.O. + P.S.- Barari, District- Katihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar.
2. The Director General of Police, Patna.
3. The Deputy Inspector General, Saran Range at Chapra.
4. The Superintendent of Police, Gopalganj Cum The Chairman of
Compassionate Committee, Gopalganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s : None
For the Respondent/s : Mr. Manoj Kumar, AC to GP-4

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 17-11-2025 1. No one appears on behalf of the petitioner. Learned
counsel for the respondents is present.

2. The petitioner has filed the instant application
praying for the following reliefs :-

*“(i) For issuance of writ nature of
certiorari for setting aside the order dated
21.08.2020 passed by compassionate committee
Gopalganj comprising Dupty superintendent of
Police Gopalganj and superintendent of Police
Gopalganj where by and where under the
representation on dated 24.12.2017 was
apparently rejected on the ground of delay by
ignoring the previous representation of the
petitioner which is injustice caused with interest
of petitioner.*



(ii) For issuance of writ in the nature of mandamus commanding and directing the respondents to appoint the petitioner on ground of compassionate appointment which is right of the petitioner.

(iii) For issuance of any other relief/reliefs for which the petitioner entitle in the eye of law.”

3. It is the case of the petitioner that his father, who was posted in the police line on the post of Training Hawaldar, died while in service of 13.11.2006. The petitioner who was a minor at the relevant time, having passed his Madhayama examination in the year 2013 and Up-shastri examination in the year 2015 filed an application for his appointment on compassionate ground on 3.2.2014.

4. The application of the petitioner came to be rejected by order dated 21.8.2020, mainly on the ground of delay and laches.

5. The case of the petitioner, as borne out from the contents of the writ petition, is that the delay on his part was not deliberate. On death of his father, the petitioner was depressed and was not able to file his application on time. The financial situation of the family of the petitioner is miserable and he needs to be appointed on compassionate ground to meet the financial hardship that the family is facing.



6. The application is opposed by learned counsel for the respondents who submits that as per the contents of the writ petition itself, while the father of the petitioner died on 13.11.2006, the application for compassionate appointment came to be filed by the petitioner only on 24.12.2017. It was thus rightly rejected by the respondents on the ground of delay and laches.

7. Heard learned counsel for the respondents and perused the material on record.

8. Even as per case of the petitioner, the father of the petitioner who was in police service as a Training Hawaldar having died in the year 2006, an application for compassionate appointment came to be filed by the petitioner 8 years later in the year 2014. However as per the respondents case, the application was filed by the petitioner after a delay of 11 years only on 24.12.2017. It was thus rejected by the respondents i.e. the District Compassionate Committee on the ground of delay and laches.

9. It has consistently been held that appointment on compassionate ground is an exception to the general rule where the appointment is to be made after proper advertisement. Mere death of an employee does not entitle his family to such source



of livelihood. As held in the case of **Niraj Kumar Mallick vs. State of Bihar & Ors.; 2018 (2) PLJR 951**, the respondent-Government authorities are required to examine the financial condition of the family of the deceased on account of the death of the employee and only on being satisfied that but for the provision of employment the family will not be able to meet the crisis that a job is offered to the eligible member of the family. From the showing of the petitioner himself, even after the death of his father, the petitioner and his family were able to survive for as long as 8 years, whereafter only the application for compassionate appointment came to be filed.

10. In view of the facts and circumstances stated herein above, the respondent authorities rightly rejected the application of the petitioner on the ground of delay and laches.

11. This Court finds no error in the order impugned and no merit in the instant application.

12. The application is dismissed.

(Partha Sarthy, J)

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