

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16339 of 2016

1. Renu Devi, W/o Late Baliram Singh
2. Ritesh Kumar, S/o Late Baliram Singh. Both residents of Village- Kutubpur, P.S.- Doriganj, District- Saran at Chapra.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Home Department, Govt. of Bihar, Patna.
2. The Director General of Police, Bihar, Patna.
3. The Superintendent of Police, Rohtas at Sasaram.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Awadhesh Kumar Pandey, Advocate
For the Respondent/s	:	Mr. Md. Nadim Seraj, GP-5
		Ms. Shalini, AC to GP- 5

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL JUDGMENT

Date : 08-12-2025

Heard learned counsel for the parties.

2. The petitioners have filed the instant application
for the following reliefs:

“I. For issuance of an appropriate writ in the nature of Mandamus, commanding & directing the respondent authorities to appoint the petitioner no.-02 on compassionate ground in place of his deceased father Late Baliram Singh for which application was filed well within time.

II. For issuance of an appropriate writ in the nature of Mandamus, commanding & directing the respondent



authorities to produce the letter contained in memo no.-1846 dated 16.06.2016, communicated by the Police Head Quarter to the Superintendent of Police, Rohtas, whereby the claim of the petitioners for compassionate appointment has been rejected, holding time barred and on production, quash & set aside the same.

III. For issuance of any other appropriate writ/writs, order/orders, direction/directions which may deem fit & proper under the facts & circumstances of the case.”

3. The case of the petitioner in brief is that one Baliram Singh who was working as a constable and posted in the Rohtas District Police Force at police station Tilauthu died in service on 11.8.2002 while conducting an operation against MCC activists in the district of Rohtas. The petitioner no. 1 who happens to be the wife to the deceased filed an application for appointment of her son on compassionate ground. It is the case of the petitioner that in response to the application filed in the year 2002, the petitioner no. 1 received a reply in the year 2005 asking for some documents. In spite of the petitioner having provided those documents and having filed the application within the stipulated time of five years, no positive response



was received from the respondents nor was the petitioner's son appointed on compassionate ground. Hence the instant writ application for the reliefs prayed for as stated herein above.

4. At this stage, it is further submitted by learned counsel for the petitioners that the petitioner no. 2 i.e. the son of the deceased employee was a minor at the time of the death of his father and attained majority in the year 2016. Learned counsel submits that the delay, if any, has been on part of the respondents and the petitioners who are in financial difficulty cannot be blamed and deprived of the appointment by the respondents on this ground.

5. The application is opposed by learned counsel appearing for the respondents. It is submitted by learned counsel appearing for the respondents that from the contents of the writ application and the supplementary affidavit filed, it transpires that while the death of the deceased constable who happens to be the husband of petitioner no. 1 took place in the year 2002, the instant writ application for appointment on compassionate ground came to be filed only in the year 2016. It is submitted that the same is fit to be rejected on the ground of delay and laches. It is further submitted that no counter affidavit has been filed in the case.



6. Heard learned counsel for the parties and perused the material on record.

7. The facts not in dispute are that the husband of petitioner no. 1 who was working as constable no. 59 in the Rohtas District Police Force died in an operation being conducted against the MCC activists on 11.8.2002. Though the petitioner no. 1 applied for appointment on compassionate ground by filing a representation which has been brought on record as Annexure-2 to the application, on perusal of the same it transpires that she states therein that she was asked to submit an application and for the said purpose she is authorizing her minor son. She requests that appointment be granted on compassionate ground.

8. It further transpires that vide letter dated 14.11.2005 (Annexure-3), the Superintendent of Police, Rohtas wrote a letter to the petitioner no. 1 asking her for certain documents to enable the respondents to process the application for appointment on compassionate ground. As per the claim of the petitioner, the said documents were produced, however, the respondents did not take any steps. It further transpires that it was only in the year 2016 that the petitioners moved this Court for a direction for appointment on compassionate ground.



9. The Hon'ble Supreme Court in the case of ***Umesh Kumar Nagpal vs. State of Haryana and Ors.; (1994) 4 SCC 138*** has dealt with the object of compassionate appointment which it held is to enable the penurious family of the deceased employee to tide over the sudden financial crises. The purpose is not of providing employment nor is this an alternate source of getting employment. The relevant portion of the judgment is quoted herein below for ready reference:

“2. As a rule, appointments in the public services should be made strictly on the basis of open invitation of applications and merit. No other mode of appointment nor any other consideration is permissible. Neither the Governments nor the public authorities are at liberty to follow any other procedure or relax the qualifications laid down by the rules for the post. However, to this general rule which is to be followed strictly in every case, there are some exceptions carved out in the interests of justice and to meet certain contingencies. One such exception is in favour of the dependants of an employee dying in harness and leaving his family in penury and without any means of livelihood. In such cases, out of pure humanitarian consideration taking into consideration the



fact that unless some source of livelihood is provided, the family would not be able to make both ends meet, a provision is made in the rules to provide gainful employment to one of the dependants of the deceased who may be eligible for such employment. The whole object of granting compassionate employment is thus to enable the family to tide over the sudden crisis. The object is not to give a member of such family a post much less a post for post held by the deceased. What is further, mere death of an employee in harness does not entitle his family to such source of livelihood. The Government or the public authority concerned has to examine the financial condition of the family of the deceased, and it is only if it is satisfied, that but for the provision of employment, the family will not be able to meet the crisis that a job is to be offered to the eligible member of the family. The posts in Classes III and IV are the lowest posts in non-manual and manual categories and hence they alone can be offered on compassionate grounds, the object being to relieve the family, of the financial destitution and to help it get over the emergency. The provision of employment in such lowest posts by making an exception to the rule is justifiable and valid since it is not discriminatory. The favourable treatment



given to such dependant of the deceased employee in such posts has a rational nexus with the object sought to be achieved, viz., relief against destitution. No other posts are expected or required to be given by the public authorities for the purpose. It must be remembered in this connection that as against the destitute family of the deceased there are millions of other families which are equally, if not more destitute. The exception to the rule made in favour of the family of the deceased employee is in consideration of the services rendered by him and the legitimate expectations, and the change in the status and affairs, of the family engendered by the erstwhile employment which are suddenly upturned.”

(Emphasis supplied)

10. So far as the facts of the instant case is concerned, the respondents not having taken any steps on the application filed by the petitioner for compassionate appointment subsequent to the petitioner having provided the requisite documents in the year 2005, it was expected that the petitioner should have moved the appropriate forum/Court for the redressal of her grievances. The very fact that the petitioners continued to sit over the matter and moved this Court by way of this application only 11 years later in the year 2016, defeats the



very purpose and object for grant of compassionate appointment.

11. In view of the facts and circumstances of the case, in the opinion of the Court, the case is fit to be rejected on the ground of delay and latches.

12. The Court finds no merit in the instant application and the same is dismissed.

(Partha Sarthy, J)

saurovkrishna/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	9.12.2025
Transmission Date	NA

