

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.142 of 2022

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Ajit Kumar, Son of Late Ram Lal Paswan, Resident of Village - Vishunpur
Mangal, P.O. - Rajla, P.S. - Kurhani, District- Muzaffarpur.

... .. Appellant/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Old Secretariat, Patna.
2. The Additional Chief Secretary, Home Department, Government of Bihar, Old Secretariat, Patna.
3. The District Magistrate, Muzaffarpur.
4. The Senior Deputy District Collector, Incharge District General Section, Muzaffarpur.
5. The Senior Superintendent of Police, Muzaffarpur.
6. The Circle Officer, Kurhani Circle, Muzaffarpur.
7. The Station Head Office, Patna Station, Kurhani, Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Amrendra Kumar, Advocate
For the Respondent/s : Mr. Saroj Kumar Sharma, AC to AAG-3

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

and

HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE SUDHIR SINGH)

Date : 06-08-2025

The present *intra* court appeal has been filed by the appellant against the judgment dated 14.02.2023, passed by a learned Single Judge of this Court in C.W.J.C. No. 8045 of 2021, whereby the writ petition was dismissed on the ground of delay and laches.

2. The brief facts giving rise to the present appeal is that the appellant's father died on 11.05.2005. He submitted an application for appointment on compassionate ground on 16.05.2018 on the ground that he has passed *Madhyama* in the year 2017. The application of the appellant for appointment on compassionate



ground was rejected by the concerned authorities as it was time barred.

3. The learned counsel for the appellant submitted that the learned Single Judge had dismissed the writ petition without considering the claim of the appellant. The learned counsel for the appellant further submitted that the appellant was entitled for appointment on compassionate grounds, and the concerned authority had wrongfully denied him compassionate appointment on the ground of delay, i.e., time barred.

4. The learned counsel for the respondent submitted that the order of the learned Single Judge requires no interference, and the learned Single Judge had rightly pronounced the judgment after considering the facts of the case.

5. The learned Single Judge had dismissed the writ petition on the ground of delay and laches. The Court relied on the decision of the apex court in *Union of India & Another vs. Shashank Goswami & Another*, reported in (2012) 11 SCC 307; *Shreejith. L vs. Deputy Director (Education) Kerala and Others*, reported in (2012) 7 SCC 248; and *Dhalla Ram vs. Union Of India And Others*, reported in (1997) 11 SCC 201, whereby the Apex Court had held that the claims of the persons can be rejected on the ground of delay and laches.

6. The appointment on compassionate ground is not a vested right of a person, and only if the candidate is covered by the



scheme under all the relevant clauses at the relevant point of time.
The same has been observed by the Apex Court in *Bank of Baroda v. Baljit Singh*, reported in *2023 SCC OnLine SC 745*.

7. In our view, appointment on the basis of compassionate grounds cannot be a vested or legal right, rather it is a scheme so that family of the deceased may not go through financial hardship. In the present case, there has been a delay of about thirteen years since the death of the father of the appellant.

8. In view of the facts and the discussions made above, we do no find merit in this appeal.

9. Accordingly, the appeal is dismissed.

(Sudhir Singh, J)

(Alok Kumar Pandey, J)

Sachin/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	11.08.2025
Transmission Date	11.08.2025

