

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15969 of 2016

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Savitri Devi Widow of Late Pramil Kumar Singh, resident of Village, P.O. and P.S. Mokama, District- Patna, Bihar.

... .. Petitioner/s

Versus

1. The Union of India through the Secretary Ministry of Home Affairs, New Delhi.
2. Secretary, Ministry of Home Affairs, New Delhi.
3. Director General, Assam Rifles, Shillong PIN CODE- 793010.
4. Commandant, 23 Assam Rifles, C/o 99 A.P.O.
5. Presiding Officer, A.R. Recruitment Rally, 2015 (PST/PET), Diphu, Assam.
6. Deputy Commandant, SO-2, (Rect. Cell), Directorate General, Assam Rifles, Shillong- 793010.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Amar Nath Deo, Advocate
For the Respondent/s	:	Mr. Awadhesh Kumar Pandey, Sr. CGC
		Mr. Arvind Kumar, CGC
		Mr. Rakesh Kumar Sinha, CGC

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 27-11-2025 Heard learned counsel for the petitioner and learned counsel for the respondents.

2. The petitioner has filed the instant application for the following relief(s):

“(i) For issuance of a writ in the nature of certiorari for quashing of order contained in 1.2016/Recruitment Cell/2016/16 dated 15.06.2016 issued under the signature of Deputy Commandant, SO-2 (Recruitment Cell), Directorate General, Assam Rifles, Shillong (Respondent No.6) whereby the claim of the petitioner for appointment on compassionate grounds has been rejected after she had qualified for



Trade Test (Skill Test) and Detailed Medical Examination (DME) of AR Tech and TDN Recruitment Rolling 2015-16 vide letter dated 10.06.2016 as contained in 1.2016/Rect.Br./AR Rally 2015-16 as communicated to the petitioner on the sole ground that she was overage as her date of birth was 01.01.1975 which was more than the age of recruitment i.e. 40 years on the date of recruitment.

(ii) For issuance of a writ in the nature of mandamus to the respondent authorities to accept the recommendation of the commandant, 23 Assam Rifles dated 11.03.2013 which was sent to the Directorate General, Assam Rifles (A. Branch) Shillong alongwith the computerized application and School Leaving Certificate of the petitioner submitted for appointment on compassionate grounds for the substance of the family consisting of only the petitioner (widow) and her three minor children with none to support the family.

(iii) For issuance of a writ in the nature of mandamus directing the respondent authorities to appoint the petitioner on compassionate ground as she had been found to be suitable on all accounts and had been rejected solely on account of being overage on the date of appointment in 2016, although she had applied much earlier and the same had been gathering dust in the Directorate till 2016 merely to be informed that she had become overage on the date of appointment.

(iv) For the issuance of any other writ or writs for which the petitioner may be deemed to be entitled to.”



3. The case of the petitioner in brief is that the husband of the petitioner who was working on the post of Constable in the Assam Rifles having died in harness on 9.2.2011 at Manipur, the petitioner filed an application in the years 2012 as also 2013 for her appointment on compassionate ground.

4. It is further contended by learned counsel for the petitioner that having passed the Physical Efficiency Test as also Physical Standard Test, she was not appointed and finally was communicated with order dated 15.6.2016 (Annexure-5) informing her that she was not being appointed on account of being over-age.

5. Learned counsel for the petitioner submits that the application was filed by the petitioner within time and she was less than 40 years on the date of application. The petitioner having passed both physical test as also the other tests, she be appointed on compassionate ground as a Constable in the Assam Rifles.

6. The application is opposed by learned counsel for the respondents. It is firstly submitted that besides the petitioner being over-age, the instant application itself is not maintainable on account of no cause of action nor part thereof arising within



the territorial jurisdiction of this Court. Reliance is placed by learned counsel for the respondents in the case of **Oil and Natural Gas Commission vs. Utpal Kumar Basu and Others; (1994) 4 SCC 711.**

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

8. It transpires from the record of the case that the husband of the petitioner having died on 9.2.2011 at Shjja Hospital and Research Institute, Imphal in Manipur due to hepatorenal syndrome leading to cardio pulmonary arrest, the petitioner filed her application for appointment on compassionate ground which came to be rejected vide order dated 15.6.2016.

9. So far as the preliminary objection raised on behalf of the respondents is concerned, this Court finds that the facts not in dispute are that the husband of the petitioner died while posted at Manipur. The application filed by the petitioner for appointment on compassionate ground was recommended by the authorities to the Directorate of Assam Rifles at Shillong and only a copy of the same was sent to the petitioner at her residential address in the State of Bihar.

10. Further, from perusal of the order rejecting the



petitioner's application, it transpires that the said order dated 15.6.2016 has also been passed by the Directorate General of Assam Rifles in Shillong.

11. In view of the facts and circumstances of the case stated herein above, the Court finds merit in the objection raised by the respondents to the effect that the petitioner does not have cause of action for filing the instant application in this Court.

12. The application is dismissed.

(Partha Sarthy, J)

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