

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2396 of 2017

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Sandeep Kumar Adopted Son of late Achchhelal Paswan Resident of Village-
Shankarpur, Sakri, P.O. Tepri, Police Station- Piar, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The District Magistrate, Muzaffarpur.
3. Senior Deputy Collector, District Administration Cell, Muzaffarpur.
4. Sub- Divisional Officer, Muzaffarpur East, District, Muzaffarpur.
5. Circle Officer, Bandra, Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Dharmendra Kumar Paswan, Adv. Mr. Amar Kumar, Adv. Mrs. Deepshikha, Adv.
For the Respondent/s	:	Mr. Md. Nashrul Hoda Khan- SC-1 Mr. Md. Irshad, AC to SC -1 Mr. M.H. Quraishi, AC to SC - 1

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

6 07-02-2025 Heard Learned Counsel for the petitioner and

Learned Counsel for the State.

2. The present writ petition has been filed for quashing of the Letter No. 1112 dated 06.10.2016 issued by Respondent No. 3 rejecting the claim of compassionate appointment of the petitioner by selection committee merely on the ground of delay and further directing the Respondents to appoint the petitioner forthwith with all consequential benefits on Class-IV post of *chowkidar*.

3. Learned Counsel for the petitioner submits that the



rejection of petitioner's claim was solely based only on the ground that the application had to be filed within 5 years or from the date of the concerned employee's death, and the petitioner did not file the application within the stipulated time. The petitioner filed the application on 18.07.2013, which was beyond the period of five years. Therefore, the application was rejected. Counsel further submits that the petitioner obtained information from the office of the Circle Officer, Bandra, Muzaffarpur, by which it became clear that the Circle Officer, Bandra, Muzaffarpur, was the authority under which *chowkidar* used to work. Additionally, Counsel submits that the petitioner had actually filed the application on 13.02.2008, well within the prescribed time and there was no delay in filing the application. Therefore, the respondents' contention that the petitioner filed application in 2013 is absolutely incorrect.

4. Learned Counsel for the State submits that the counter-affidavit has come in this case in light of the above.

5. In light of the facts and circumstances where the petitioner has shown to prove that he filed the application before the Circle Officer, Bandra, Muzaffarpur, on 13.02.2008, the order rejecting the petitioner's claim for compassionate appointment, i.e., Letter No. 1112 dated 06.10.2016 issued by



Respondent No. 3, is hereby set aside. The concerned Respondent authority is directed to reconsider the petitioner's claim afresh, especially considering that the petitioner submitted his request for compassionate appointment on 13.02.2008 before the Circle Officer, Bandra, Muzaffarpur. A decision on this matter should be made within 90 days from the date of the production of this order.

6. Accordingly, the present writ petition is hereby allowed.

(Dr. Anshuman, J.)

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