

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15105 of 2025

Prashant Kumar Son of Sanjay Kumar Resident of Gowsala Road, Purab Sarai, Beside Kali Temple, P.S.- Kotwali, District- Munger.

... .. Petitioner/s

Versus

1. The Chairman, Appointment Committee, Munger Judgeship District- Munger.
2. The Member No.- 1, Appointment Committee, Munger Judgeship, District- Munger.
3. The Member No.- 2, Appointment Committee, Munger Judgeship, District- Munger.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Madhav Raj, Advocate
For the Respondent/s : Mr. Piyush Lall, Advocate

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL JUDGMENT

Date : 11-11-2025

Heard learned counsel for the parties.

2. The petitioner has filed the instant application challenging the order contained in Memo no. 545 dated 22.1.2025 issued by the Chairman, Appointment Committee-cum-Principal District & Sessions Judge, Munger whereby the application for appointment of the petitioner on compassionate ground was rejected.



3. The relevant facts in brief are that the father of the petitioner who was working on the post of Assistant in the Court of District & Sessions Judge, Munger died in harness on 11.8.2012. It is the case of the petitioner that the petitioner being a Class-X student, the mother of the petitioner filed an application on 13.8.2012 informing the learned District & Sessions Judge about the sudden death of her husband and further stating therein that she was desirous for appointment of her son on compassionate ground. She prayed for time for her son to obtain the graduation degree. It is further case of the petitioner that having completed his graduation in the year 2019 from Gaya College of Engineering, he filed an application on 5.8.2019 for his appointment on compassionate ground, which came to be rejected by the order impugned dated 7.1.2025 on the ground of the same having been made beyond the prescribed time.

4. Learned counsel for the petitioner submits that the respondents hurried in rejecting the application for appointment of the petitioner on a technical ground. In support of his contention, he has placed reliance on the order dated 27.8.2024 of the Hon'ble Supreme Court in the case of ***Saurabh Chourasiya vs. The State of Madhya Pradesh and Ors. (Diary***



no. 26461 of 2022). It was further submitted that the impugned order is also not sustainable on the ground that reliance has been placed therein on the Rules of the year 2022 which would not be applicable in the instant case, the father of the petitioner having died in the year 2012.

5. In response, it is submitted by learned counsel appearing for the respondents that the father of the petitioner having died on 11.8.2012, as per Rule 6A(v) of the Bihar Civil Court Officers and Staff (Recruitment, Promotion, Transfer and Other Service Conditions) Rules, 2022, the application for compassionate appointment had to be made within two years from the death of the employee i.e. on or before 11.8.2014. Even as per the petitioner's case, the application having been filed in the year 2019, there is no merit in the instant application and the same be dismissed. With respect to the judgment relied on by learned counsel for the petitioner, it is submitted that the same was passed in the peculiar facts of the case and in paragraph no. 9 thereof, it has clearly been observed by the Supreme Court that the order is not to be treated as a precedent.

6. It is further submitted by learned counsel appearing for the respondents that even if it is taken that the relevant Rules at the time of death of the employee is to be



taken into consideration in deciding the instant application, nevertheless, the application for compassionate appointment having been made after an inordinate delay of about seven years, the same is fit to be dismissed on this ground alone. In support of his contention, learned counsel for the respondents has placed reliance on the judgment of the Hon'ble Supreme Court in the case of *Sanjay Kumar vs. State of Bihar and Ors.*; *(2000) 7 SCC 192*, *Jagdish Prasad vs. State of Bihar and Anr.*; *(1996) 1 SCC 301* as also the judgment of this Court dated 31.7.2023 passed in the case of *Aarti Devi vs. The State of Bihar and Ors. (L.P.A. no. 406 of 2022)*.

7. Having heard learned counsel for the parties and taking into consideration the contents of the petition, the facts not in dispute are that the father of the petitioner having died on 11.8.2012, the only application on behalf of the defendants i.e. the son of the employee came to be filed on 5.8.2019, which was in clear violation of Rule 6A(v) of the Rules which is quoted herein below:

“6A - Appointment on compassionate grounds.-

(v) The candidate seeking appointment in Group C posts on compassionate ground must confirm to the qualification, age and mode of recruitment



as per Schedule 'A'. The application for such appointment must be made within two years from the death of the employee and shall remain valid for a period of three year from the date of filing. Application once rejected shall not be open for consideration.”

8. With respect to the other submission made by learned counsel for the petitioner about the non-applicability of the Rules of 2022 in the petitioner's case, it may be observed here that the Hon'ble Supreme Court in different cases has held that compassionate appointment is not an alternative to the normal course of appointment. The object of appointment on compassionate ground is to enable the family to tide over the sudden financial crises which has arisen as a result of the death of the sole bread earner. It would be relevant to note here that in the instant case while the father of the petitioner died in the year 2012, the petitioner filed the application for appointment on compassionate ground only in the year 2019. Thus on the ground of delay also, irrespective of the provisions of the Rule of 2022, in the opinion of the Court, the petitioner was not entitled for any relief.

9. In view of the facts and circumstances stated herein above, besides the Court not finding any illegality in the order of the appointment committee which rejected the



application of the petitioner for appointment on compassionate ground by its order dated 7.1.2025, this Court even otherwise does not find any merit in the instant application.

10. The application is dismissed.

(Partha Sarthy, J)

saurovkrishna/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	13.11.2025
Transmission Date	NA

