

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18068 of 2023

Randhir Kumar, S/o Late Bindeshwari Prasad Singh Resident of House No-20, Near Devi Sthan Gali, Nahar Road, Mohalla-Shahganj, Post-Mahendru, P.S.-Sultanganj.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Additional Chief Secretary, Department of Home, Sardar Patel Bhawan, Nehru Marg (Bailey Road), Govt. of Bihar, Patna.
3. The Director General of Police, Government of Bihar, Patna.
4. The Inspector General of Police, Patna Range, Department of Home, Sardar Patel Bhawan, Nehru Marg (Bailey Road), Govt. of Bihar, Patna.
5. The Deputy Inspector General of Police, Shahabad Range, Dehri-on-Sone, Rohtas, (Bihar).
6. The District Magistrate, Rohtas at Sasaram.
7. The Superintendent of Police, Rohtas at Dehri-on-Sone.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Mrigendra Kumar, Advocate
		Mr. Akash Kumar Mishra, Advocate
		Mr. Sushil Ranjan Sinha, Advocate
For the Respondent/s	:	Mr. Government Advocate 3

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL JUDGMENT

Date : 27-11-2025

Heard learned counsel for the parties.

2. The petitioner has filed the instant application
praying for quashing part of the order contained in letter no.



5451 dated 4.12.2020 whereby the application filed by the petitioner for his appointment on compassionate ground was rejected by the District Compassionate Committee.

3. The case of the petitioner in brief is that the father of the petitioner who was working as Assistant Sub-Inspector in the Bihar Police in the district of Rohtas died on 30.4.1990. The mother of the petitioner namely Sheo Kumari Devi filed an application for her appointment on compassionate ground which was forwarded by the Deputy Secretary, Chief Minister's Secretariat, Bihar for consideration.

4. It is the case of the petitioner that the respondents directed her by letter dated 14.9.1992 to produce succession certificate from the competent Court. The mother of the petitioner again filed application on 21.5.1993 and 21.8.1998 before the Inspector General of Police, Patna Range for her appointment. Subsequently in her application dated 30.6.2003, she requested that necessary steps be taken for appointment of her elder son i.e. the petitioner.

5. It is submitted by learned counsel appearing for the petitioner that not having received any response on the application filed by his mother for compassionate appointment, the petitioner filed an application in the year 2011 for



compassionate appointment. The petitioner also moved this Court in C.W.J.C. no. 13774 of 2012 which was disposed off by order dated 24.9.2012 directing the authorities to consider the application for compassionate appointment filed by the petitioner in accordance with law within a period of one month.

6. The respondents came to consider the case of the petitioner and the District Compassionate Committee in its meeting held on 4.12.2020 rejected the application of the petitioner on the ground of the same having been made more than five years after the death of the deceased employee. It is against this order rejecting the petitioner's application that the instant writ application has been filed.

7. The application was opposed by learned counsel appearing for the respondents. It is submitted by learned counsel for the respondents that the application filed by the mother of the petitioner for her appointment on compassionate ground was forwarded from the Chief Minister's Secretariat on 15.10.1990. Another petition filed by the petitioner's mother was also forwarded by the Deputy Secretary, Government of Bihar on 10.4.1992 to the S.P., Rohtas for taking actions as per law. Subsequently, the petitioner filed an application for his appointment on compassionate ground which was considered by



the District Compassionate Committee and came to be rejected by the order impugned on the ground of the same being time barred. It is submitted that the petitioner was a minor at the time of death of his father and not eligible for appointment. So far as the application of the mother of the petitioner is concerned, neither she pursued the same nor produced the documents required. There is no merit in the instant application filed by the petitioner and as such, the same be dismissed.

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

9. The relevant facts in brief are that the father of the petitioner who was working on the post of Assistant Sub-Inspector in the Bihar Police in the district of Rohtas died on 30.4.1990.

10. It transpires from the records of the case that the application for appointment on compassionate ground was filed by the mother of the petitioner in the year 1990 before the Chief Minister which was forwarded by the Chief Minister's Secretariat to the Superintendent of Police for consideration. Subsequent representation/application filed by the petitioner's mother was also forwarded for consideration to the Superintendent of Police, Rohtas.



11. It may be mentioned here that the deceased employee having married twice and the mother of the petitioner being the second wife, the respondents had directed the mother of the petitioner to produce succession certificate from a competent Court and to submit the same. As per the petitioner's case, the succession certificate was issued in favour of the petitioner's mother and she was also given the post-retiral dues.

12. At this stage, it would be relevant to mention that in one of her representations dated 30.6.2003 (Annexure-P4/A), which was filed 13 years after the death of the petitioner's father i.e. the employee, the mother of the petitioner mentions about the petitioner being aged about 15 years. Thus, it would transpire that the petitioner was aged about 2 years at the time of death of his father.

13. The application of the petitioner came to be considered and rejected by the District Compassionate Committee on account of the same having been filed more than five years after the death of his father.

14. The Hon'ble Supreme Court in the case of ***Umesh Kumar Nagpal vs. State of Haryana and Ors.; (1994) 4 SCC 138*** has held that the object of granting compassionate appointment is to enable the family to tide over the sudden crisis



in which the family finds itself as a result of the untimely death of the employee. Relevant portion of the judgment is reproduced 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)

15. In view of the facts and circumstances of the case and the law laid down by the Hon'ble Supreme Court as referred to herein above, the facts not being in dispute that the father of the petitioner having died on 30.4.1990, the petitioner was aged only about 2 years at the time of his death.

16. By the impugned order, it transpires that the respondents have rejected the application for compassionate appointment of the petitioner filed on 30.6.2003 and 5.9.2019. So far as the application filed on 30.6.2003 is concerned, the petitioner was aged about 15 years and was not eligible for appointment. So far as the application dated 5.9.2019 is concerned, the same having been made more than 18 years after the death of the deceased employee, the application was rightly rejected.



17. The Court finds no error in the order impugned in the instant application nor any merit in the case of the petitioner.

18. The application is dismissed.

(Partha Sarthy, J)

saurovkrishna/-

AFR/NAFR	NAFR
CAV DATE	NA
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