

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18705 of 2016

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Ganesh Paswan son of Late Rambriksh Dusadh Resident of village - Brorh,
Police Station - Guraru, District - Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The District Magistrate-cum-Chairman, District Compassionate Committee, Gaya.
3. The Deputy Collector, Establishment, District - Gaya.
4. The Sub-Divisional Officer, Tekari, District - Gaya.
5. The Circle Officer, Anchal, Gurua, District - Gaya.
6. The Officer-in-charge, Gurua Police Station, District - Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Binod Kumar, Advocate
For the Respondent/s : Mr. AC to GA-4

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CORAM: HONOURABLE MR. JUSTICE RITESH KUMAR
ORAL JUDGMENT

Date : 12-05-2026

Heard the parties.

2. The present writ petition has been filed for the following reliefs:-

- “(i) *For quashing of letter dated 06.10.2009 contained in memo no. 1325 so far this present petitioner is concerned issued under the signature of District Magistrate cum Chairman, District Compassionate Committee, Gaya and consequent letter dated 23.08.2011 contained in memo no. 1571 issued by the Deputy Collector (Establishment), Gaya.*
- (ii) *For issuance of direction to the Respondent District Magistrate Gaya for appointment of*



petitioner on compassionate ground after death his father who was Mahal Chowkidar.

(iii) For issuance direction to respondent authority to appoint the petitioner within stipulated period on the post of Chowkidar upon which his father died in harness because despite of recommendation his application was rejected without verification of his school records properly and on the basis of wrongly submitted report where he was initially admitted.”

3. The brief facts leading to the present writ petition are that the father of the petitioner was working as Mahal Chaukidar and died in harness on 12.04.2006. After his death, the petitioner applied in prescribed formate with full details required therein, for appointment on compassionate ground, which was duly recommended by the respondent-Circle Officer and the Officer In-charge of Police Station. Thereafter, the Circle Officer vide Letter No. 596 dated 11.10.2008, forwarded the same to the Sub-Divisional Officer, Tekari, Gaya along with all requisite documents, for taking necessary action. On the recommendation made by the Circle Officer, a consideration was made by the competent authority/body, however, without proper verification of academic record, related to the petitioner, the District Compassionate Appointment Committee in its meeting dated 30.09.2009, came to the conclusion that the educational certificate



provided by the petitioner is fake and on the said basis, his application was rejected vide Memo No. 1325 dated 06.10.2009. The petitioner received the communication with regard to rejection of his application vide Memo No. 1571 dated 23.08.2011, issued under the signature of the Deputy Collector (Establishment), Gaya. Subsequent thereto, the wife of the deceased employee sent an application to the District Magistrate, Gaya for considering the application of the petitioner sympathetically and also by giving reference to the notification of General Administration Department dated 13.11.2013. The petitioner also submitted a detailed representation before the District Magistrate on 20.12.2013, whereby he requested the District Magistrate, Gaya to consider the case of the petitioner for appointment on compassionate ground.

4. It is the case of the petitioner that he was admitted initially at his village school, namely, Middle School Brorh under Guraru Block of Gaya District on 21.01.1989 and got school leaving certificate on 31.12.1995. From the school records, it appears that the name of the petitioner finds place at serial no. 44 with his father's name and date of birth, but the case of the petitioner was rejected without proper verification from the school records.



5. It is further case of the petitioner that due to inadvertence, the date of birth of the petitioner was mentioned as 16.03.1984 in place of 06.01.1982 and subsequently, the same was mentioned at other places, therefore it is a mistake of the records and on the said basis, the recommendation for appointment of the petitioner was rejected.

6. The learned counsel for the petitioner submits that the mistake was due to inadvertence and the same was committed by the then Headmaster of the school, whereby wrong date and serial number was mentioned in the admission register of birth, which caused prejudice to the petitioner and later on, the Headmaster issued a certificate on 01.09.2016, whereby the details with regard to admission and date of birth of the petitioner was given.

7. The learned counsel for the petitioner further submits that due to bona fide mistake committed by the petitioner, the family of the petitioner is suffering. The application of the petitioner for appointment on compassionate ground was already recommended by the authority concerned in the year, 2009 and new notification with regard to qualification of Chaukidar/Dafadar came in existence in the year, 2012, therefore the same is of no relevance in the case of the petitioner. He further submits that after death of the father of the petitioner, all the retirement benefits have



been given to his mother and no other person is there in the family to look after the mother of the petitioner and the petitioner. He submits that despite being eligible, he has not been issued the appointment letter and his application has been rejected on erroneous ground.

8. The learned counsel for the petitioner, by referring to supplementary affidavit filed on behalf of the petitioner submits that even on 29.04.2010, the Headmaster of the concerned school has certified that the name of the petitioner appears in the admission register, wherein his date of birth is mentioned as 06.01.1982 and his date of admission is mentioned as 20.01.1989. He submits that in terms of the certificate issued by the Headmaster, the petitioner again filed an application on 31.01.2025, before the District Magistrate, Gaya with a request to verify the school records, along with the date of birth and in support of his contention, he also annexed the school transfer certificate and the certificate granted by the Headmaster of the school.

9. Per contra, the learned counsel appearing on behalf of the State-respondents submits that the District Compassionate Appointment Committee, Gaya duly considered the name of the petitioner for his appointment on compassionate ground on the



post of Chaukidar in place of his father. The committee found that claim of the petitioner was based on forged and fabricated educational certificate, showing him to be passed Class-VIII. He submits that after receiving the recommendation for appointment of the petitioner on compassionate ground from the Sub-Divisional Officer, Tekari, Gaya, the matter was enquired through the District Education Superintendent, Gaya with regard to the educational certificate/certificates produced by the petitioner. The District Education Superintendent, Gaya, upon enquiry, found that the certificate produced by the petitioner is forged and fabricated and he submitted his report vide Letter No. 390 dated 26.06.2009. Considering the report submitted by the District Education Superintendent, the District Compassionate Appointment Committee in its meeting dated 30.09.2009, proceeded to reject the application of the petitioner, for appointment on compassionate ground and further, directed the Circle Officer, Guraru to lodge First Information Report against the petitioner. It has further been submitted that the services of Chaukidar has been made as Government Servant and on such responsible post, person like petitioner, who tried to obtain appointment through a forged certificate, is not fit to be appointed.



10. The learned counsel for the State-respondents finally submits that the petitioner has not even explained the delay of five years in approaching this Court by filing the present writ petition, therefore, the writ petition is fit to be dismissed on the ground of delay and laches.

11. Having heard the learned counsel for the parties and after going through the records, it appears that the father of the petitioner died in harness on 12.04.2006 and the case of the petitioner for being appointed on compassionate ground was rejected by the District Compassionate Appointment Committee in its meeting dated 30.09.2009. The same is said to have been communicated to the petitioner vide memo no. 1571 dated 23.08.2011, however the writ petition has been preferred by the petitioner on 21.11.2016 and no justification has been given by the petitioner for the delay in filing the writ petition.

12. Further, the Hon'ble Supreme Court of India in the case of **Umesh Kumar Nagpal Versus State of Haryana and Others** reported in **(1994) 4 SCC 138**, in paragraph no. 2 & 6 has held as follows:-

“6. For these very reasons, the compassionate employment cannot be granted after a lapse of a reasonable period which must be specified in the rules. The consideration for such employment is not a vested right which can be exercised at any



time in future. The object being to enable the family to get over the financial crisis which it faces at the time of the death of the sole breadwinner; the compassionate employment cannot be claimed and offered whatever the lapse of time and after the crisis is over.”

13. The Hon’ble Supreme Court of India in the case of **Jagdish Prasad Versus State of Bihar and Another** reported in **(1996) 1 SCC 301**, in paragraph no.3 has held that *“the very object of appointment of a dependent of the deceased employee who die in harness is to relieve unexpected immediate hardship and distress caused to the family by sudden demise of the earning member of the family. Since the death occurred way back in 1971, in which year the appellant was four years old, it cannot be said that he is entitled to be appointed after he attained majority long thereafter. In other words, if that contention is accepted, it amounts to another mode of recruitment of the dependent of a deceased government servant which cannot be encouraged, de hors the recruitment rules.”*

14. Even this Court, vide order **dated 15.04.2026** passed in **C.W.J.C. No. 5387 of 2026 (Manoj Kumar Raut versus The State of Bihar & Ors.)**, in paragraph nos.8 & 9 has held as follows:-

“8. The Hon’ble Supreme Court of India in the case of Local Administration Department



and Another versus M. Selvanayagam @ Kumaravelu, reported in (2011) 13 SCC 42, in paragraph no.11 has held as follows:-

“11. It has been said a number of times earlier but it needs to be recalled here that under the scheme of compassionate appointment, in case of an employee dying in harness one of his eligible dependants is given a job with the sole objective to provide immediate succour to the family which may suddenly find itself in dire straits as a result of the death of the breadwinner. An appointment made many years after the death of the employee or without due consideration of the financial resources available to his/her dependants and the financial deprivation caused to the dependants as a result of his death, simply because the claimant happened to be one of the dependants of the deceased employee would be directly in conflict with Articles 14 and 16 of the Constitution and hence, quite bad and illegal. In dealing with cases of compassionate appointment, it is imperative to keep this vital aspect in mind.”

9. *Even this Court, based on the consideration of the Hon'ble Supreme Court of India in the case of Jagdish Prasad (supra), vide its judgment dated 09.02.2026 passed in C.W.J.C. No. 5750 of 2022 (Janki Ballabh Versus the State of Bihar and Ors.), has proceeded to reject the claim of the petitioner on the ground of delay and laches.”*



15. Considering the above and on the basis of the said legal proposition, this Court is of the view that the very object of a dependent of the deceased employee, who die in harness is to relieve unexpected immediate hardship and distress, caused to the family by sudden demise of the earning member of the family. In the present case, the death occurred in the year, 2006 and now in 2026, it cannot be said that the petitioner is entitled for being appointed on compassionate ground, since the appointment on compassionate ground amounts to another mode of recruitment of the dependent of a deceased government servant which cannot be encouraged, de hors the recruitment rules.

16. Accordingly, the present writ petition is dismissed.

17. Pending application, if any, shall also stands disposed of.

(Ritesh Kumar, J)

AjayMishra/-

AFR/NAFR	
CAV DATE	NA
Uploading Date	18.05.2026
Transmission Date	NA

