

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No 5750 of 2022**

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Janki Ballabh S/o-Late Ram Gulam Ram R/o-Vill-Barri, P.O.-Barri, P.S.-  
Benipatti, District-Madhubani

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Road Construction Department, Govt. of Bihar, Patna.
2. The Additional Chief Secretary, Road Construction Department, Govt. of Bihar, Patna.
3. The Engineer-in-Chief, Road Construction Department, Patna.
4. The Chief Engineer, Road Construction Department, Patna.
5. The Superintending Engineer, Road Construction Department, East Bihar Circle, Bhagalpur.
6. The Executive Engineer, Road Construction Department, Bhagalpur.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : M/s Rajeev Kr Singh, Prabjhot Singh, Harsh Raj,  
Advocates  
For the Respondent/s : Ms Puspanjali Sharma, AC to SC XX

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**CORAM: HONOURABLE MR JUSTICE RITESH KUMAR**

**ORAL JUDGMENT**

**Date : 09-02-2026**

Heard the parties.

2 The present writ petition has been filed for commanding the respondents to appoint the petitioner on Group D post on compassionate ground in Road Construction Department, Government of Bihar.

3 The learned counsel for the petitioner submits that the father of the petitioner was working as a Junior Engineer, after his appointment on 24.10.1983 and died in harness on 30.06.2009. He



left behind two wives, one daughter and three sons. It has further been submitted that the first wife of the late father of the petitioner also died on 07.04.2010, i.e. after nine months of the death of the father of the petitioner. In the year 2013, the mother of the petitioner, i.e. the second wife, applied for compassionate appointment by submitting her application before the Executive Engineer, Road Construction Department, Banka along with all the relevant documents. The application of the mother of the petitioner was forwarded on 27.12.2014 to the Superintending Engineer, Road Construction Department, East Bihar Circle, Bhagalpur for consideration and taking appropriate decision. The mother of the petitioner became ill and, therefore, she gave an application to the Executive Engineer, Road Division, Banka on 20.10.2016 for consideration and appointment of the petitioner on compassionate ground, since the petitioner became major and eligible for consideration for appointment. The petitioner submitted his application for appointment on compassionate ground in November, 2016, but the same was rejected vide Letter No 38 dated 14.01.2017 by the Superintending Engineer, Road Construction Department, East Bihar Circle, Bhagalpur on the ground that as the application of the petitioner is not within five years from the date of death of the employee, therefore he cannot



be appointed on compassionate ground. The petitioner, left with no other option filed the present writ petition in 2022.

4 It is submitted by the learned counsel for the petitioner that the respondent-authorities, without considering the fact that the mother of the petitioner had filed the application for compassionate appointment on 25.11.2013, i.e. within five years of the death of the father of the petitioner, erroneously rejected the case of the petitioner by stating therein that the same is not within the period of five years, since as per their understanding, the same was filed on 25.11.2014, which is incorrect and the same appears from Annexure A to the counter affidavit filed on behalf of respondents No 4 to 6. It has been submitted that since the application by the mother of the petitioner was within the period of five years, therefore, the petitioner is entitled for being appointed on compassionate ground.

5 A counter affidavit has been filed on behalf of respondents No 4 to 6 wherein it has been stated that vide Resolution No 2937 dated 31.03.2011, the Finance Department, Government of Bihar resolved that minimum educational qualification for appointment on Group D post would be 10<sup>th</sup> pass. However, vide Letter No 282 dated 08.01.2013, the General Administration Department, Government of Bihar, Patna gave



exemption from passing 10<sup>th</sup> examination to those candidates whose application for appointment, including compassionate appointment, was pending on or before 31.03.2011. It has further been averred in the counter affidavit that while application submitted by the mother of the petitioner was being scrutinized, it was noticed from her educational qualification that she passed the 9<sup>th</sup> class when she was only 10 years, 2 months and 18 days old, which created suspicion, therefore vide Letter No 554 (we) dated 14.07.2016, the Executive Engineer, Road Division, Banka was directed to enquire into the matter. The petitioner, for the first time, submitted his application for appointment on compassionate ground on 20.10.2016 wherein a request was made to cancel the earlier application filed by his mother and grant the benefit of compassionate appointment to him. It has further been contended on behalf of the State-respondents that at the time of death of his father, the petitioner was minor and only after becoming major, he filed the application for appointment on compassionate ground on 20.10.2016, but the same was rejected since the death of the father of the petitioner happened on 30.06.2009 and the application for compassionate appointment was submitted on 20.10.2016, which is beyond the period of five years from the date of death of the employee as has been provided vide Letter No 2822 dated



27.04.1995 issued by the General Administration Department, Government of Bihar, Patna, therefore, the case of the petitioner was not considered.

6 From the arguments advanced on behalf of the learned counsel for the parties and the documents available on record, I find that admittedly, the father of the petitioner died on 30.06.2009 and the mother of the petitioner submitted an application on 25.11.2013, but somehow or the other, no decision was taken on the same by the respondent-authorities. Finally, the petitioner gave his application for compassionate appointment on 20.10.2016, upon which a decision was taken by the respondent-authorities on 14.01.2017 but the petitioner chose not to agitate the matter and finally filed the present writ petition on 15.04.2022 i.e. after a delay of almost 5 years.

7 The law is very much clear in this regard that the very object of giving compassionate appointment to a dependent of the deceased employee, who dies in harness, is to relieve unexpected immediate hardship and distress caused to the family by the sudden demise of the earning member of the family. Since, in the present case, the death occurred way back on 30.06.2009 in which year, the petitioner was 12 years of age, it cannot be said that he is entitled to be appointed after he attained majority long thereafter.



In other words, if the 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 Riles.

8 Accordingly, I do not find any merit in the present writ petition and the same is dismissed.

(Ritesh Kumar, J)

M.E.H./-

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