

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5387 of 2026

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Manoj Kumar Raut Son of Late Mahendra Raut, Resident of Village-
Kalyanpur Basti, Dakangala, P.S.-Mohiuddin Nagar, District-Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar through Additional Chief Secretary, Panchayati Raj Department, Government of Bihar, Patna.
2. The District Magistrate, Samastipur.
3. The Deputy Development Commissioner-chief-Executive Officer, Jila Parishad, Samastipur.
4. The Executive Officer, Jila Parishad, Samastipur.

... .. Respondent/s

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Appearance :

For the Petitioner	:	Mr. Amit Kumar, Advocate
For the State	:	Md. Kamil Akhtar, A.C. to A.A.G.5
For Res. Nos.3 & 4	:	Mr. Pramod Kumar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE RITESH KUMAR
ORAL ORDER

2 15-04-2026 Heard the learned counsel for the parties.

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

“(A) To issuance of an appropriate writ in the nature of mandamus for directing the respondent to appoint the petitioner on compassionate ground as father of the petitioner was died on 23.02.2010, which is within his service tenure.

(B) To direct the respondent concern to confirm the permanent appoint the petitioner on the compassionate ground at the post of sweeper as the father of the petitioner was dead on the time period of his service i.e. on 23.02.2010.”



3. The brief facts, giving rise to the present writ petition, are that the father of the petitioner died in harness on 23.02.2010, while working as a Sweeper in the Zila Parishad Dak Bungalow in Mohiuddin Nagar, Samastipur. At the time of death of his father, the petitioner was 8th pass and he submitted an affidavit before the authorities concerned to the effect that he is the only son of the deceased employee, but no decision was taken by the authorities concerned for making appointment on compassionate basis. The petitioner obtained qualification of matriculation from Bihar Sanskrit Shiksha Board, Patna in the year 2021 and then submitted a representation on 31.07.2021 before the D.D.C.-cum-Chief Executive Officer, Zila Parishad, Samastipur for his appointment on compassionate ground and again submitted a representation on 04.09.2022 before the Principal Secretary, Panchayati Raj Department, Government of Bihar, Patna for his appointment on compassionate ground, but no decision was taken on the said representations.

4. The learned counsel for the petitioner submits that although the father of the petitioner died on 23.02.2010, but till date, he has not been appointed on compassionate ground, despite his fulfilling all the requisite qualifications including submitting his application before the authorities concerned.



5. *Per contra*, the learned counsel appearing on behalf of the Zila Parishad and the State submit that the father of the petitioner died on 23.02.2010 and at the relevant time, he was 8th pass, therefore, there was no question of making any appointment on compassionate ground and even not a single chit of paper has been brought on record to suggest that he had ever applied before the competent authority for making appointment on compassionate ground. Subsequently, the petitioner passed matriculation from Bihar Sanskrit Shiksha Board, Patna in 2021 and even after passing the said examination, he has not submitted any application in the prescribed format for being appointed on compassionate ground.

6. 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 23.02.2010 and at the time of his death, he was 8th pass, and he even did not make any application for making appointment on compassionate ground. Subsequently, he is said to have acquired the qualification of matriculation in the year 2021 and he filed a representation before the authorities concerned and now in 2026 has filed the present writ petition for a direction upon the authorities to take decision on his representation for making appointment on



compassionate ground. The law in this regard is very much clear. 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.*"

7. 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.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”

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.

10. Accordingly, I find no merit in the present writ petition and the same is dismissed.

11. Pending application(s), if any, shall also stand disposed of.

(Ritesh Kumar, J.)

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