

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6470 of 2022

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Baidhnath Paswan S/o Jyotish Paswan, Resident of Village-Hafulganj, P.O. Sirania, P.S. Muffasil Katihar, District-Katihar.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Home Department,
2. Director General of Police, Bihar.
3. District Magistrate, Katihar.
4. Superintendent of Police, District-Katihar.
5. S.D.O., Kathar.
6. Circle Officer, Katihar.
7. Police Station Incharge Mufasil, Katihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Kameshwar Singh, Advocate
For the State	:	Mr. Md. N.H. Khan (SC-1)
		Ms. Babita Kumari (AC to SC-1)

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL JUDGMENT

Date : 28-01-2026

Heard learned counsel for the petitioner and learned counsel for the State.

2. The present writ petition has been filed directing the respondent authorities to take appropriate steps towards appointment of the petitioner on compassionate ground, as his father was working as *Chowkidar* and died during the service.

3. Learned counsel for the petitioner submits that the petitioner's father was *Chowkidar* in Katihar Mufassil Police Station, District- Katihar. The petitioner's father died on



26.02.2015, leaving behind his four children and wife. Counsel submits that the petitioner was minor at the time of death of his father. Counsel submits that the petitioner has filed representation before the incharge Mufassil Police Station Katihar, District- Katihar after he become major and passed intermediate course, forwarding the Anchal Adhikari, Katihar on 19.02.2019 which was recorded as D.R. No. 215. Counsel submits that the petitioner filed repeated reminder, but at the level of respondent no.6, no action was taken. Thereafter, the petitioner had no option left but to move before this Hon'ble Court for his grievance.

4. Learned counsel for the State on the other hand submits that the petitioner's application could not be entertained due to the reason that he has filed application after five years of death of his father. Counsel submits that the letter was forwarded to the District Magistrate, however, since the application was not filed in the prescribed format and the said representation was also not submitted in accordance with Letter No. 2822 dated 27.04.1995 which categorically prescribes a time limit of five years for filing such applications, the petitioner's case has not been considered at all.

5. After hearing the parties and upon consideration



of the documents on record, it transpires to this Court that the respondent has annexed Annexure-A, which is Letter No. 2822 dated 27.04.1995, according to which its Clause 5 and 6 are most relevant and states as follows:-

“5- मृत सरकारी सेवक के आश्रित आवेदन उसी विभाग में देंगे जहाँ सरकारी सेवक अंतिम रूप में पदस्थापित थे । उक्त विभाग आवेदन को भलीभाँति प्रारम्भिक जाँच कर ऊपर गठित संबंधित समिति के नाडल पदाधिकारी को आवेदन अग्रसारित करेंगे ।

6- अनुकम्पा के आधार पर आश्रित के द्वारा नियुक्ति हेतु आवेदन-पत्र समर्पित करने की समय-सीमा मृत सरकारी सेवक की मृत्यु की तिथि से 5 वर्ष तक ही रहेगी !”

6. According to the above Clauses, it has to be placed before the authority in which the father of the petitioner lastly worked. From Annexure-1, it transpires that the said application was written to the S.H.O Mufassil P.S. Katihar, where the petitioner's father was posted, who has recommended the matter before the Circle Officer, and the forwarding has also



been indicated in the said application itself. The said application is dated 19.02.2019. Admittedly, the petitioner’s father died on 26.02.2015, meaning thereby, it has been filed well within the period of five years i.e. from the date of death of petitioner’s father. The only deficiency is that the said application was not written in the prescribed format.

7. This Court is of the firm view that since the said application was filed well within a period of five years, non-consideration of the same solely on the technical ground that it was not in the prescribed format is not appropriate. Hence, the District Magistrate, Katihar (Respondent no.3) is hereby directed to entertain the application of the petitioner and place before the District Compassionate Appointment Committee within 90 days from the date of production of a copy of this order.

8. Accordingly, with the aforesaid direction, this writ petition stands allowed.

(Dr. Anshuman, J)

Divyansh/-

AFR/NAFR	
CAV DATE	NA
Uploading Date	31/01/2026
Transmission Date	NA

