

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20429 of 2013

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Sanjay Kumar Srivastava Son Of Late Surendra Kumar Srivastava Resident
Of Village- Koithwali, Police Station- Mairwan In The District Of Siwan

... .. Petitioner/s

Versus

1. The State Of Bihar through the Secretary, Co-operative Department,
Government Of Bihar, Patna
2. The Secretary, Co-Operative Department, Government Of Bihar, Patna
3. The District Compassionate Appointment Committee, Gopalganj Through
Its Chairman
4. The District Magistrate Co-Operative Officer, Gopalganj
5. The District Co-Operative Officer, Gopalganj
6. The Assistant Registrar, Co-Operative, Gopalganj

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar, Advocate
For the Respondent/s : Mr. Rajendra Kr. Jha, Advocate

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CORAM: HONOURABLE MR. JUSTICE RITESH KUMAR
ORAL JUDGMENT

Date : 07-04-2026

Heard the parties.

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

“(i) For quashing the decision dated
12.8.1999 of District Compassionate Appointment
Committee, Gopalganj, only to extend whereby
claim of the petitioner for compassionate
appointment has been rejected on limitation ground
only.

(ii) Also for directing the respondents to
consider the case of the petitioner for
Compassionate Appointment, as his father namely
Surendra Kumar Srivastava died in harness on
21.11.1988, while posted as Senior Co-operative



Extension Officer in the office of Assistant Registrar, Gopalganj.”

(3) The brief facts, giving rise to the present writ petition, are that the father of the petitioner died in harness on 21.11.1988, while he was posted as Senior Co-operative Extension Officer in the office of Assistant Registrar, Gopalganj. After death of his father, the petitioner submitted an application for his appointment on compassionate ground on 15.01.1990. It is the case of the petitioner that no decision was communicated to the petitioner, pursuant to his application dated 15.01.1990, although he applied within the period of five years. When no communication was being provided to the petitioner with regard to his application, he filed an application under the Right to Information Act, with regard to the action taken on his application by the Compassionate Appointment Committee/competent authority, then he was communicated vide Letter No.1094, dated 03.08.2013 that the claim for compassionate appointment of the petitioner was rejected on 11.12.1995 on the ground of he being minor on the date of application and his second application, which the petitioner is said to have filed on 25.02.1992 was rejected on 11.11.1996 on the ground that it was beyond the limitation period.

(4) The learned counsel for the petitioner submits that neither the minutes of the meeting dated 11.12.1995 or 11.11.1996 of the District Compassionate Appointment Committee, Gopalganj



was communicated to the petitioner nor any communication in this regard was made to the petitioner, then he approached for providing the copy of the minutes of the meeting of District Compassionate Appointment Committee, Gopalganj. Finally, the petitioner was provided with a minutes of the meeting dated 12.08.1999 of the District Compassionate Appointment Committee, Gopalganj. It was further contended that none of the orders were ever provided to the petitioner and, therefore, when he came to know about the decisions dated 11.12.1995, 11.11.1996 and 12.08.1999, in the year 2013, then he approached this Court by filing the present writ petition. The learned counsel for the petitioner submits that his application for compassionate appointment was well within time and although he was a minor at the time of death of his father, but later on when he became major he again submitted an application before the competent authority but the same was rejected on erroneous ground, therefore, direction be issued to the respondent authorities to appoint the petitioner on compassionate ground.

(5) *Per contra*, the learned counsel for the Respondent-State submits that at the time of death of the late father of the petitioner, he was a minor, therefore, his application was rejected by the District Compassionate Appointment Committee, Gopalganj on 11.12.1995. He again submitted an application for



appointment on compassionate ground, after attaining the age of majority, but the said application was rejected by the District Compassionate Appointment Committee on 03.08.1999 on the ground that since his earlier application has been rejected, therefore, the second application is again rejected. Again the matter with regard to appointment of the petitioner on compassionate ground was submitted/placed before the District Compassionate Appointment Committee, Gopalganj in its meeting dated 01.06.2000, but the representation of the petitioner was rejected, since it was found that the matter is time barred and the said order was also communicated to the petitioner. The learned counsel appearing on behalf of the Respondent-State further submits that the application of the petitioner for being appointed on compassionate ground is hopelessly time barred and is fit to be dismissed on the ground of delay and laches.

(6) Having heard the learned counsel for the parties and after going through the documents available on record, it is an admitted fact that the father of the petitioner died in harness on 21.11.1988 and at the relevant time, the petitioner was a minor, even then he submitted his application for being appointed on compassionate ground which was rejected by the authorities concerned. After attaining the age of majority, he again submitted an application for being appointed on compassionate ground, but



the same was also rejected on the ground that his earlier application has already been rejected. Now, after almost 38 years of the death of the father of the petitioner, the case of the petitioner for being appointed on compassionate ground is fit to be rejected in view of different pronouncements of the Hon'ble Supreme Court of India. 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.) and judgment dated 30.03.2026, passed in C.W.J.C. No.4723 of 2026 (Aashish Kumar vs. Union of India & 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, if any, shall also stand disposed of.

(Ritesh Kumar, J.)

Sanjay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	08.04.2026
Transmission Date	NA

