

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12711 of 2022

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Uttam Kumar Singh Son of Late Satendra Singh Resident of Village Bedhani
P.O. Bedhani P.S. Deo, District Gaya, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Home Department, Gov. of Bihar, Patna.
2. The Director General of Police Patna, State of Bihar.
3. The Superintendent of Police Aurangabad (Bihar).
4. The District Magistrate, Aurangabad (Bihar).
5. The District Commandant Home Guard, District Aurangabad (Bihar).
6. The Director Home Guard, Aurangabad.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shailesh Kumar Singh, Advocate
For the Respondent/s : None

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 17-04-2026 Heard learned counsel for the petitioner. No one appears for the respondents.

2. The petitioner has filed the instant application for the following relief(s):

“(i) For a direction to the respondent authorities to appoint the petitioner as a constable on compassionate ground because his father namely Late Satendra Singh died during service period on 28.04.2017 working as Home Guard, Police No. 18119 at Daudnagar Police Station District Aurangabad (Bihar).

(ii) For a direction to the respondent authorities to decide the representation or disposal of the application filed by the petitioner for his compassionate appointment.



(iii) For any other order/orders on the basis of facts and circumstances stated herein after of the case.”

3. The case of the petitioner in brief is that the father of the petitioner who was posted as Home Guard at Daudnagar police station expired on 28.4.2017. Inspite of the petitioner having given his application before the respondent authorities for his appointment on compassionate ground, no positive steps having been taken by the respondents, he has filed the instant writ application.

4. No one appears on behalf of the respondents, however, a counter affidavit has been filed on behalf of the respondent nos.4 and 5.

5. A perusal of the contents of the counter affidavit shows that the father of the petitioner was nominated as Home Guard bearing no.18119 and he absconded from his duty of Home Guard from 11.3.2017. A show cause notice was issued to him on 11.4.2017 as to why he be not punished for dereliction of duty under section 10(c) of Bihar Home Guard Act, 1947. No reply was filed to the show cause notice and it is much later that the petitioner on 30.3.2022 filed an application addressed to the Superintendent of Police, Aurangabad stating therein that his father died on 28.4.2017 and praying for appointment on compassionate ground. The respondents have further brought on



record a copy of the memo no.4946 dated 7.11.2017 of the Headquarter, Bihar Home Guard, Patna wherein taking into account that Home Guards are nominated, a decision has been taken not to treat them as being in Government service, the nature of service being voluntary. Consequently no appointment on compassionate ground with respect to Home Guard will be made. It further transpires from the counter affidavit that it was during the period that the father of the petitioner was absconding that almost five years later this application is filed by the petitioner claiming that his father has died and thus he be appointed on compassionate ground.

6. Having heard learned counsel for the petitioner and having perused the material on record, besides the decision taken by the respondents contained in memo no.4946 dated 7.11.2017 with respect to the Home Guards being nominated and thus the policy of compassionate appointment not being applicable in his case, the very fact that the father of the petitioner even as per the petitioner's case died on 28.4.2017 while he had been issued notice for having absconded/dereliction of duty and the application came to be filed by the petitioner in the year 2022, in the opinion of the Court, this application is fit to be dismissed on the ground of



delay and laches also.

7. The writ application is dismissed.

(Partha Sarthy, J)

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