

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20728 of 2025

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1. Tetari Devi Wife of Late Janak Mahto, resident of Ward No. 2, Amwa Majhar, P.S. and District-West Champaran (Bettiah).
 2. Jagdish Kumar, adopted son of Late Janak Mahto, resident of Ward No. 2, Amwa Majhar, P.S. and District-West Champaran (Bettiah).

... .. Petitioner/s

Versus

1. The State of Bihar through the District Magistrate, West Champaran.
2. The District Magistrate, West Champaran at Bettiah.
3. The Superintendent of Police, West Champaran at Bettiah.
4. The Inspector cum Station House Officer, Bettiah Mufassil P.S. at Bettiah.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Pramod Kumar, Adv.
For the Respondent/s	:	Mrs. Archana Meenakshee, GP-6
		Mr. Rana Veer Prawar, AC to GP-6
		Mr. Harish Singh, AC to GP-6

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 27-02-2026 Heard learned Advocate for the respective parties.

2. The petitioners have invoked the jurisdiction of this

Court seeking the following reliefs :-

“(i) For the issuance of a writ of Mandamus, and/or any other appropriate writ/direction/order commanding the respondents to give compassionate appointment to the petitioner no. 2 on the post of Chowkidar in Bettiah Mufassil P.S. in place of Late Janak Mahto, Chowkidar who has remained untraceable since 15.8.2009, with all consequential benefits.”

3. Learned Advocate for the petitioner submitted that



the petitioner no. 1 is the hapless widow of the erstwhile Chowkidar, who was duly appointed in the year 1990 and on the fateful day of 15.08.2009, he left the home to report for his duty at Bettiah Mufassil Police Station, but since then he is found traceless. This incidence, led to institution of a Sanha bearing No. 205 of 2009 with the Bettiah Mufassil Police Station. Notwithstanding the efforts made by the family members and the administration, till date, the whereabouts of the erstwhile Chowkidar could not be traced out. The petitioners have also neither received any monetary benefits nor compassionate appointment. The petitioner no. 2 is said to be the adopted son of the erstwhile Chowkidar and in the aforesaid premise, a claim for compassionate appointment has been made before the authorities, but to no response; hence the present writ petition.

4. Ms. Archana Meenakshee, learned Government Pleader No. 6 while opposing the prayer made in the writ petition has contended that the compassionate appointment is not a vested right that can be claimed at any time after passage of significant period when the crisis is over. In the case at hand the erstwhile Chowkidar had gone missing in the year 2009 and the present writ petition has been filed after seventeen years. Moreover, the prescription which allowed a retiring Chowkidar



to nominate the dependent for appointment in his place was challenged before the learned Division Bench in the case of *Devmuni Paswan vs. The State of Bihar & Ors.* reported in *2023 (2) PLJR 425* and the same has been declared *ultravires*. The order of the learned Division Bench was put to question before the Hon'ble Supreme Court, and such challenge has also been turned down; accordingly the order of the learned Division Bench stood affirmed.

5. Having considered the submissions advanced by learned Advocate for the respective parties and taking note of the fact that the erstwhile Chowkidar has gone missing since 2009 and this writ petition has been filed belatedly after seventeen years, besides the position of law as discussed hereinabove, this Court does not find any merit in the present writ petition.

6. Accordingly, the present writ petition stands dismissed.

(Harish Kumar, J)

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