IN THE HIGH COURT OF JHARKHAND AT RANCHI

**I.A. No. 12493 of 2025**

In/and

**L.P.A. No. 670 of 2025**

Sabita Devi, Aged about 51 years, wife of Munna Lohra. Resident of village Chhota Kehu, P.O. Chandri Manda, P.S. Kurdeg, District Simdega. ... Appellant

Versus

1. State of Jharkhand.
2. The Chief Medical Officer -cum- Civil Surgeon, Gumla, P.O. & P.S. Gumla, District- Gumla.
3. The Deputy Commissioner, Gumla. P.O. & P.S. Gumla, District- Gumla.

... Respondents

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**CORAM: HON'BLE THE CHIEF JUSTICE**
**HON'BLE MR. JUSTICE RAJESH SHANKAR**

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For the Appellant: Ms. Priya Saw, Advocate
Ms. Juhi Kumari, Advocate
Mr. Raj Nandan Chatterjee, Advocate

For the Respondents: Ms. Sunita Kumari, A.C. to Sr. S.C.-II

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**02/Dated: 01.09.2026**

**I.A. No. 12493 of 2025**

**1.** Heard learned counsel for the parties.

**2.** This Interlocutory Application seeks condonation of delay of 503 days in filing the accompanying appeal.

**3.** We have perused the reasons set out in the I.A., including the reason that the appellant was a poor rustic lady, which prevented her from instituting the appeal within the prescribed period of limitation. The appellant has not gained anything by the delay, and the reasons set out constitute sufficient cause in the peculiar facts and circumstances of the present case. The delay is condoned, and I.A. No. 12493 of 2025 is disposed of.

**L.P.A. No. 670 of 2025**

**4.** With the consent of and at the request of the learned counsel for the parties, this appeal is taken up for final disposal.

**5.** This L.P.A. is directed against the learned Single Judge's order dated 20.03.2024 dismissing the appellant's W.P.(S) No. 4547 of 2012, in which she was seeking compassionate appointment on account of the death of her husband in harness on 17.08.2008.

**6.** Ms. Priya Saw, the learned counsel who appeared with Mrs. Juhi Kumari, learned counsel for the appellant, submitted that the appellant should not have been non-suited on the ground of delay or laches because in this case the appellant applied for compassionate appointment on 24.10.2011, followed it by a reminder on 09.05.2012 and then instituted the writ petition in 2012. She submitted that no delay or laches could be attributed to the appellant in this case.

**7.** Ms Saw, further submitted that the cause of action for seeking compassionate appointment arose on 17.08.2008 when the appellant's husband died in harness. She submitted that, therefore, the circular dated 02.09.2011 prescribing minimum qualification of 10$^{th}$ Standard for appointment on a Class-IV post could not have been made applicable to the appellant.

**8.** Ms Saw relied on ***Maya Devi Vs State of Jharkhand and others, (2005) 3 JCR 511 (Jhr)*** to submit that a liberal and sympathetic view should be taken in such matters, including a direction for relaxation of the requirement of minimum educational qualification, assuming that such qualification would apply to the case of the appellant.

**9.** Ms Sunita Kumari, the learned A.C. to Sr. S.C.-II, for the State, submitted that the application for compassionate appointment was made 3 years after the demise of the appellant's husband,

i.e. 24.10.2011. She submitted that this application itself was delayed. In any event, by then, the circular dated 02.09.2011 had come into force and, based upon the same, the appellant was not entitled to any compassionate appointment. He submitted that the scheme for compassionate appointment is not some regular source for securing public employment. Therefore, unless an applicant strictly fulfils the terms and conditions set out in the scheme, there is no question of compassionate appointment.

**10.** The rival contentions now fall for our determination.

**11.** The record in this case shows that the appellant's husband died in harness on 17.08.2008. Almost three years later, the appellant applied for compassionate appointment. This application was considered by the Compassionate Appointment's Committee in its meeting held on 10.01.2013. The Committee declined to recommend compassionate appointment because the appellant did not fulfil the requisite minimum qualification of 10$^{th}$ Standard for appointment to a Class-IV post. The appellant did not challenge this rejection order, claiming that she did not receive the rejection letter.

**12.** However, the appellant did institute W.P.(S) No. 4547 of 2012 complaining of the denial of her compassionate appointment. In these circumstances, we agree with Ms Saw that the appellant could not have been non-suited on the ground of delay or laches, even though there was some delay involved in the appellant applying for compassionate appointment a little above three years after the demise of her husband in harness.

**13.** However, we do not agree with Ms Saw's further contention that the cause of action for seeking compassionate appointment arose on 17.08.2008 when her husband expired. The cause of action, if at all, arose when the appellant, by her application dated 24.10.2011, sought compassionate appointment. The State has no obligation to make compassionate appointments suo motu. The obligation to consider applications for compassionate appointment would arise only after an applicant makes such an application seeking compassionate appointment.

**14.** The appellant's application seeking compassionate appointment made on 24.10.2011 was considered by the Committee on 10.01.2013. Thus, on the date of the appellant's application as also on the date of its consideration by the Committee, the Circular dated 02.09.2011 prescribing minimum qualification of 10$^{th}$ Standard for appointment on a Class-IV post was very much in force and applied to the case of the appellant. Since, admittedly, the appellant did not fulfil this minimum prescribed requirement, the Committee was justified in declining recommendation for compassionate appointment.

**15.** The argument about retrospectivity cannot be accepted in the facts and circumstances of the present case. Even by a prospective application of the circular dated 02.09.2011, the appellant was not entitled to be considered for compassionate appointment since she did not have the minimum prescribed educational qualifications.

**16.** The decision in ***Maya Devi (supra)*** turns on its own facts. In that case, the applicant's representation/application for

compassionate appointment was disposed of after considerable delay, and it is in that context that it was held that the circulars which came into force in the meantime could not be applied to the case of the said applicant.

**17.** In the present case, the appellant applied for compassionate appointment on 24.10.2011, by which date, the circular dated 02.09.2011 was already in force. Besides, in this case, there was no unreasonable delay on the part of the respondents in considering and even rejecting the appellant's claim for compassionate appointment. The Committee considered and rejected the claim in its meeting held on 10.01.2013. Thus, on the date of the appellant's application seeking compassionate appointment as well as on the date of its consideration, the circular dated 02.09.2011 had entered into force and based upon the same the appellant's case was rightly rejected.

**18.** Accordingly, we see no good ground to interfere with the impugned order, though we may not have agreed with the reason of delay and laches referred to therein. The other reasons, however, are sound and warrant no interference.

**19.** The appeal is accordingly dismissed without any order for costs.

**20.** Other pending Interlocutory Applications, if any, do not survive and are disposed of.

**(M. S. Sonak, C.J.)**

**(Rajesh Shankar, J.)**

September 01, 2026

N.A.F.R.

APK/VK

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