

(2019) 08 PAT CK 0004

In the Patna High Court

Case No : Civil Writ Jurisdiction Case No. 16317 Of 2019

Ashok Kumar Sah

APPELLANT

Vs

State Of Bihar Through Its Principal Secretary And Ors

RESPONDENT

Date of Decision : 22-08-2019

Acts Referred:

Citation : (2019) 08 PAT CK 0004

Hon'ble Judges : Ashutosh Kumar, J

Bench : Single Bench

Advocate : Anil Kumar, Md. Nadim Seraj

Final Decision : Allowed/Disposed Off

Judgement

1. The petitioner had approached this Court earlier vide C.W.J.C. No. 15407 of 2016 for a direction to the respondent authorities to consider his case for being appointed on compassionate ground in the event of death of his father in harness on 21.10.2012.

2. This Court vide order dated 20.11.2018, passed in aforesaid C.W.J.C. No. 15407 of 2016 had directed the petitioner to file a representation before the Additional Secretary, Home Department, Govt. of Bihar, Patna seeking redressal of his grievances within a period of two weeks of the passing of the order and the concerned respondent No. 3 was put under an obligation of disposing off such application/representation within a period of eight weeks thereafter.

3. The petitioner, in the light of this Court's order dated 20.11.2018, made a representation before the Additional Secretary, Home Department, Govt. of Bihar, Patna, but not within the specified time frame of two weeks of passing of the order, but only after five and half months. For this delay in filing the representation, the case of the petitioner has not been considered and by order dated 23.05.2019, contained in Memo No. 4162, the application/representation of the petitioner has been rejected.

4. Though the petitioner approached the authority beyond the time prescribed by this Court; nonetheless, considering that the representation was for consideration of compassionate appointment, such strict and doctrinaire approach ought not to have been adopted by the concerned respondent.
5. This Court does not countenance the aforesaid reason for rejecting the claim of the petitioner without adverting to the merits of the claim.
6. The order impugned in the present petition dated 23.05.2019 is, therefore, set-aside.
7. On a fresh representation by the petitioner within a period of three weeks from today positively before the Additional Secretary, Home Department, Govt. of Bihar, Patna (respondent No. 3), the same shall be looked into by the concerned respondent, who after verifying the facts, ascertaining the entitlement of the petitioner as well as the scheme under which any compassionate appointment could be given to the petitioner, shall pass a reasoned order in accordance with law within a further period of ten weeks thereafter.
8. With the aforesaid observation/direction, the writ petition stands allowed/disposed off.