

(1992) 09 PAT CK 0002

In the Patna High Court

Case No : Civil Writ Jurisdiction Case No. 7805 of 1992

Bibekanand Singh

APPELLANT

Vs

The State of Bihar and others

RESPONDENT

Date of Decision : 30-09-1992

Acts Referred:

Citation : (1993) 1 PLJR 200

Hon'ble Judges : S.B. Sinha, J;G.C. Bharuka, J

Bench : Division Bench

Advocate : Ganesh Chandra Thakur and Anil Kumar Mishra, for the Appellant;
D.N. Singh for the State, for the Respondent

Final Decision : Dismissed

Judgement

S.B. Sinha and G.C. Bharuka, JJ.—In this Writ application the petitioner has prayed for issuance of an appropriate writ for quashing the order dated 12.5.1992 passed by the District Establishment Committee as contained in Annexure-4 to the writ application. The fact of the matter lies in a very narrow compass.

2. The petitioner's father who was a permanent Assistant Teacher in Rajkiya Primary School, Rai Tola Areraj died in a road accident on 30.4.1983 leaving behind his wife and two issues namely the petitioner and another son daughter. At that time the petitioner was aged about 11 years. The mother of the petitioner allegedly filed an application on 11 July, 1984 for his appointment on his obtaining majority on compassionate ground. The petitioner has passed his matriculation examination in 1988 and thereafter another application was filed on compassionate ground. The said application was found to be incomplete and he was directed to file a copy of the application for his appointment which had allegedly been filed by his mother in the year 1984.

3. By reason of the impugned order the petitioner's application was rejected inter alia on the ground that he was minor at the relevant point of time.

4. The Learned Counsel appearing on behalf of the petitioner submitted that the impugned order is wholly untenable in law, inasmuch as the petitioner would file an application for attaining majority.

5. Recently a division Bench of this Court in CWJC No. 6733 of 1992 and other analogous cases categorically held that in view of the policy decision of the State of Bihar relating to appointment on compassionate ground as reflected in various circular letters issued by the State of Bihar from time to time, an application for appointment on compassionate ground should have been filed within a period of two years from the date of death inasmuch as in the present case the circular letter dated 12.7.1977 would be attracted. It has further been held in those cases that in a case of this nature where the dependent is aged about 9 years or 11 years, the question of giving appointment on compassionate ground after they attained majority did not arise.

In view of the aforementioned decisions, We have no other option but to hold the petitioner's application for appointment on compassionate ground has rightly been rejected and thus there is no merit in this application which is accordingly dismissed.