

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4723 of 2026

Aashish Kumar Son of Late- Markandey Prasad, Resident of Village - Parsaunda Dera, P.O.- Parsaunda, P.S.- Shahpur, District - Bhojpur, State Bihar, Pin Code- 802112.

... .. Petitioner/s

Versus

1. Union of India through its Secretary, Ministry of Home Affairs, Government of India, North Block, Central Secretariat, New Delhi-110001.
2. The Director General, (CRPF), Block No.- 1, CGO Complex, Lodhi Road, New Delhi - 110003.
3. The Inspector General of Police, Jharkhand Sector, Central Reserve Police Force (CRPF), Tiril Ashram, Durwa, Ranchi, Jharkhand- 834004.
4. The Deputy Inspector General of Police, Group Centre, Central Reserve Police Force (CRPF), Sembo, Durwa, Ranchi, Jharkhand - 834004.
5. The Deputy Inspector General of Police, Group Centre Campus, Central Reserve Police Force (CRPF), Mokamaghat, Patna, Bihar - 800001.
6. The Commandant, 11th Battalion, Central Reserve Police Force (CRPF), Near Block Colony, Latehar District- Latehar, Jharkhand- 829206.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Rajeev Kumar, Advocate
For the U.O.I.	:	Dr. K. N. Singh, ASG
	:	Mr. R. K. Sharma, CGC

CORAM: HONOURABLE MR. JUSTICE RITESH KUMAR
ORAL JUDGMENT

Date : 30-03-2026

Heard the parties.

2. The present writ petition has been filed for the following reliefs:-

- a. For issuance of an appropriate writ, order or direction in the nature of Mandamus, commanding and directing the respondents to reconsider the petitioner's claim and grant appointment on compassionate grounds to any suitable post, in terms of*



Notification No. A-VI-15/2025 Rectt. DA-9 dated 14.01.2024, as the petitioner has successfully qualified the pre-assessment training, physical test, medical examination and written examination for the post of CT/Daftry.

b. And for issuance of any other relief or reliefs to which the petitioner may be found entitled in the facts and circumstances of the case.

3. The brief facts giving rise to the present writ petition are that the father of the petitioner, who was serving as CT/DVR (No. 930110052) in the 11th Battalion, CRPF, Mokama Ghat, Bihar, died in harness on 26.04.2005. At the relevant time, the petitioner was only 1 and 1/2 years of age. After acquiring the educational qualification and the age for being considered for appointment, the petitioner filed an application before the competent authority for considering his case for appointment on compassionate ground, although no such application has been brought on record. Pursuant thereto, the petitioner was called for pre-selection training and it is said that the petitioner has completed 15 days' training for being appointed on compassionate ground.

4. The learned counsel for the petitioner submits that despite being eligible and having attended 15 days' training, the petitioner has not been appointed by the respondent authorities.



5. Per contra, the learned counsel for the Union of India submits that the father of the petitioner died in harness on 26.04.2005 and at that time, the petitioner was only 1 and 1/2 years of age and now after 20 years, the petitioner has filed an application, for being appointed on compassionate ground, which is fit to be dismissed on the ground of delay and laches.

6. Having heard the learned counsel for the parties and after going through the documents available on record, it is an admitted fact that the father of the petitioner died in harness on 26.04.2005 and at the relevant time, the petitioner was 1 and 1/2 years of age. After attaining majority, he is said to have submitted an application for being appointed on compassionate ground, but, only 15 days' training certificate has been brought on record to suggest that he is eligible for being appointed on compassionate ground. Even otherwise it is settled law that compassionate appointment is given to a dependent of the deceased employee, who die in harness, to relieve unexpected immediate hardship caused to the family on account of sudden demise of the earning member. In the present case the death occurrence in 2005, in which year the petitioner was 1 and 1/2 years of age and now he cannot say that he is eligible to be appointed after he attained majority. The Hon'ble Supreme



Court of India in the case of ***Jagdish Prasad Versus State of Bihar and Another*** reported in ***(1996) 1 SCC 301***, in paragraph no.3 has held that *“the very object of appointment of a dependent of the deceased employee who die in harness is to relieve unexpected immediate hardship and distress caused to the family by sudden demise of the earning member of the family. Since the death occurred way back in 1971, in which year the appellant was four years old, it cannot be said that he is entitled to be appointed after he attained majority long thereafter. In other words, if that contention is accepted, it amounts to another mode of recruitment of the dependent of a deceased government servant which cannot be encouraged, de hors the recruitment rules.”*

7. The Hon’ble Supreme Court of India in the case of ***Umesh Kumar Nagpal Versus State of Haryana and Others*** reported in ***(1994) 4 SCC 138***, in paragraph no.6 has held as follows:-

“6. For these very reasons, the compassionate employment cannot be granted after a lapse of a reasonable period which must be specified in the rules. The consideration for such employment is not a vested right which can be exercised at any time in future. The object being to enable the family to get over the financial crisis which



it faces at the time of the death of the sole breadwinner, the compassionate employment cannot be claimed and offered whatever the lapse of time and after the crisis is over””

8. The Hon'ble Supreme Court of India in the case of Local Administration Department and Another versus M. Selvanayagam @ Kumaravelu reported in **(2011) 13 SCC 42**, in paragraph no.11 has held as follows:-

“11. It has been said a number of times earlier but it needs to be recalled here that under the scheme of compassionate appointment, in case of an employee dying in harness one of his eligible dependants is given a job with the sole objective to provide immediate succour to the family which may suddenly find itself in dire straits as a result of the death of the breadwinner. An appointment made many years after the death of the employee or without due consideration of the financial resources available to his/her dependants and the financial deprivation caused to the dependants as a result of his death, simply because the claimant happened to be one of the dependants of the deceased employee would be directly in conflict with Articles 14 and 16 of the Constitution and hence, quite bad and illegal. In dealing with cases of



compassionate appointment, it is imperative to keep this vital aspect in mind.”

9. Even this Court, based on the consideration of the Hon’ble Supreme Court of India in the case of Jagdish Prasad (supra) vide its judgment dated 09.02.2026 passed in C.W.J.C. No. 5750 of 2022 (*Janki Ballabh Versus the State of Bihar and Ors.*), has proceeded to reject the claim of the petitioner on the ground of delay and laches.

10. Accordingly, I find no merit in the present writ petition and the same is dismissed.

11. Pending application, if any, shall also stand disposed of.

(Ritesh Kumar, J)

AjayMishra/-

AFR/NAFR	
CAV DATE	NA
Uploading Date	02.04.2026
Transmission Date	NA

