

IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P.(S) No.2678 of 2023

Amisha Kumari, W/o Ganesh Das, R/o Nichitpur, Khario, P.O. & P.S. Nichitpur,
District Dhanbad

.... Petitioner(s).

Versus

- 1.The State of Jharkhand through Secretary, Social Welfare, Women and Child Development Department, Government of Jharkhand
- 2.The Deputy Commissioner, Dhanbad
- 3.The Deputy Development Commissioner, Dhanbad
- 4.The District Social Welfare Officer, Dhanbad
- 5.The Sub Divisional Officer, Dhanbad
- 6.The Child Development Welfare Officer, Baghmara, Dhanbad
- 7.Uma Devi, W/o Sahdeo Mahto, R/o Nichitpur, Khario, PO & P.S. Nichitpur, District Dhanbad

... Respondent(s)

CORAM : SRI ANANDA SEN, J.

For the Petitioner(s) : Mr. Lukesh Kumar, Advocate
For the State : Mr. Rahul Kamlesh, AC to S.C.-IV

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16/ 28.01.2026: Heard, learned counsel for the parties.

2. Petitioner is claiming compassionate appointment in lieu of death of her mother-in-law, who died on 16.03.2022. Petitioner is claiming for compassionate appointment in terms of Jharkhand Anganwari Sevika/Sahaika Selection and Honorarium (with other condition) Rules, 2022.
3. The aforesaid Rules came into existence on 30th September, 2022 and prior to the said date, the mother-in-law of this petitioner had expired.
4. In a similar set of facts, the Division Bench of this Court in LPA No.430 of 2024 (Urmila Devi vs. State of Jharkhand) has held that the Rule cannot be given a retrospective effect rather the same has to be applied prospectively and the law which is in vogue on the date of death of the employee will prevail. It has further been held in paragraph 21 that since the Rule came into force from 30th September, 2022 and the mother-in-law of the said applicant died prior to that, the

applicant cannot get benefit of the said rule, thus, compassionate appointment cannot be granted. It is necessary to quote paragraphs 20 and 21 of the aforesaid judgment:-

“20. The law is settled as discussed hereinabove that any act is not applicable with retrospective effect rather the act is to be applied prospectively and the law which is in vogue on the date of death of the employee or engage will prevail.

21. Herein, the basis of the claim is the Rule 2022 which has come into being on 30th September 2022 and prior to the same, the mother-in-law of the writ petitioner died on 2nd November 2019, hence, the rule having been applicable with prospective effect and on the date of death of the mother-in-law of the writ petitioner, there was no rule in existence in this regard, therefore, the writ petitioner is having no right for consideration of appointment on compassionate ground.”

5. The case of the petitioner on fact is similarly situated to that case, as the mother-in-law of the petitioner died before promulgation of the said rules. Thus, no relief can be granted to this petitioner.

6. The instant writ petition is accordingly **dismissed**.

(ANANDA SEN, J.)